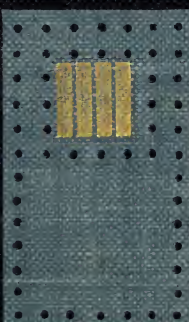


The ROOM

with the

LITTLE

DOOR



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By ROLAND

BURNHAM

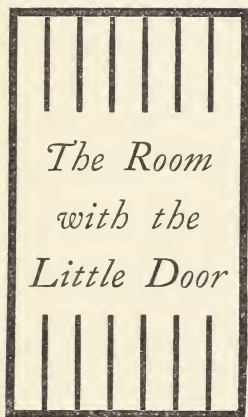
MOLINEUX



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JOHN JAY COLLEGE OF CRIMINAL JUSTICE



*The Room
with the
Little Door*

The Room with the Little Door

By
Roland Burnham Molineux



G. W. Dillingham Company
Publishers *New York*

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ISSUED JANUARY, 1903

*The Room with the
Little Door*

MAY 20 1963

To
My Father
General Edward
Leslie Molineux
With
Reverence

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Introduction

MOST of the following is true, or founded on truth. A few are waifs—products of my imagination; little stories that came into my mind from time to time. Some of them are from letters written home while I was confined in the Tombs Prison in New York City, and in the Death-Chamber at Sing Sing.

In them I have not inflicted myself to any great extent upon the reader. Herein is chiefly what I saw when trying to look upon the bright side. There are also glimpses of the side which cannot be made bright, look at it as one may.



*I*NTRO- DUCTION

But if anything in these pages leads some one to think of what must be endured in either place, let me say, that no suffering was ever willingly caused by the officials with whom I came in contact during my "banishment," and I take this opportunity to thank them all, without exception, for their consideration, sympathy, and unvarying kindness to me and mine.

The Room with the Little Door

CHAPTER I

The Room with the Little Door

THERE are few who can describe life in the Death-Chamber at Sing Sing. The officials can, but will not. Visitors there are few; and most of us who know it so well, come and go like our predecessors, saying nothing afterwards about our experiences, for an excellent reason.

The corridor in the Death-Chamber is not large. Ten cells for the condemned men face it, most of them on one side. Their inmates are not



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supposed to see much of each other. When one of our number walks in the corridor for exercise, curtains are drawn down in front of all the cells, and we see upon them what our fellow-inmate often resembles—a shadow. A shadow, and a voice which calls to us, that is his identity. There are no windows in these cells; three sides are solid wall; their fronts face the corridor, and are barred like cages. In them one can easily imagine himself a bear in a menagerie, even to the sore head that animal is afflicted with more or less occasionally. In front of the bars and curtains are wire nettings to keep our visitors from coming too near us. There are no hand-clasps, no kisses. The corridor and cells constitute the

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Death-Chamber. It has two doors; an entrance—few of the condemned ever use that door for any other purpose; and an exit—a final one—leading into the Execution Room and to the “Chair.”

It is very light indeed in the Death-Chamber. Glass skylights by day, and gas and electric light by night, throw their beams into every corner of our cages of steel and stone. There is no privacy. The guards pace up and down night and day, always watching. There is no sound while they do this, as their shoes, like ours, are soled with felt. It is like living, eating, sleeping, and bathing in a search-light. It is like being alive, yet buried in a glass coffin. We enter the front door; exist for a year or



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so, and then go out through the “ little door,” as we call it, some morning to a very welcome release. From the moment we arrive the monotony begins, and continues always, broken now and then by such excitement as a half hour’s exercise in the corridor, the weekly bath and shave, and, best of all, a visit, which must be from some member of our immediate family. We see our guest through those miserable bars and netting which divide us. A keeper must hear everything we say. These things are all that ever happen in that chamber of death, except greeting new arrivals, and saying good-by now and then to a fellow we have suffered with. No newspapers come to us, but books from the excellent library, as many as one

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wants, are supplied. We receive our mail after it has been opened and read, provided it is thought proper for us to have it. If the letter contains the news we are all awaiting—the final news—it is improper. That information is kept from one as long as possible. All the tobacco is provided. It is called “State.” It puts you in a “state” when you first attempt to smoke it. No clock ticks in that room, and none is needed, because the value of time and its relation to affairs is eliminated. Enough for us in there that it is either day or night. What do we care about the hour? To us time is just an endless waiting without expectancy. Imagine it for yourself. Each second seems an



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hour long—and we are kept in there for years.

This is the life we lead, and who would care to speak or write of such an existence? Is there anything to tell about this living death—this sort of noiseless purgatory in which, as the months go by, past experiences, the hopes and fears and happinesses which were, grow fainter and fainter, till, like the future, they inspire us with nothing but indifference, leaving only the present to be endured?

Yet there is one thing here which interests us intensely; which is before us all the time, and which some day will close behind us. On one side is life—such as it is—on the other instant death.

To pass through will be an experi-

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ence surely. It is seldom opened; I have observed it so just seven times; but when it is ajar—things happen. Whenever we look out of our cages we see it; we close our eyes—we still see it. When exercising in the corridor one passes and repasses it; though we walk away, we know we are going towards it. Thinking by day and dreaming by night, it is always with us, and irresistible is its fascination. All else here is insignificant; and to us the Death-Chamber is but “The Room with the Little Door.”

CHAPTER II

“The Little Dead Mouse”

IT would seem impossible for any one to escape from the Death-Chamber. But there is a story of one man who refused to stay, and who, under the very eyes of his keepers, without any privacy or apparatus, manufactured the poison with which he ended his life; for that is almost the only way you can end your stay in the Death-Chamber.

The man's crime, his history, does not affect this story, but his personality does. He was the quietest man of all; and men who are waiting death are usually quiet men. A German by nationality, very

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gentle, almost affectionate one would think, from the fact that he caught and tamed a small mouse to which he seemed devoted. Now a mouse is a rare thing within the precinct of which I speak, for stone and steel do not offer it the crevices it affects. But the German—he was called “Professor” because he wore glasses—had asked when he arrived if any mice had been tamed. “You can teach them tricks,” he said. He used to sleep all day, and at night very patiently lay and watched the bread crumbs he scattered on the floor. He did this for months; and at last the great event occurred. Can you guess what he used for a trap? His stocking. He did teach the mouse tricks. He taught it to eat meat out



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of his hand, which was not difficult, and to come when he called, which was. It slept with him. This took patience. Remember, he had no string with which to tie it, and had to keep it under his drinking cup at first to prevent its running away.

Time went by. Winter changed to summer, and with that season came a letter to the "Professor" and a death warrant to the warden. This was for the "Professor" also; that is, it was to be read to him, and—was it sympathy, or what? Death came to the little mouse at that time. I suppose that every man would confess that it is disturbing to receive the news that he must go through the "little door" in the Death-Chamber into the beyond, and so it affected

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the "Professor," philosopher though he undoubtedly was. Perhaps it was not the news, but the loss of his little friend; perhaps it was both; at any rate the "Professor" took to his bed. The prison doctor came, winked at the keeper, and said, "Fright; let him alone." So they let the "Professor" alone, and the "Professor" died; but when they went into the cell, they found the cause of his illness had not been fright at all. It was erysipelas. Over his breast were long scratches, deep as little teeth could make them (we have no pins in the Death-Chamber), and flattened down on them and tightly bound lay the putrid remains of "the little dead mouse."

CHAPTER III

A Forbidden Song

SOMETIMES in the evenings, the Death-Chamber seemed quite a different place, and we all forgot our *ennui* because some one started a song. I have heard good singing there, and some of us understood music. So when "Eddy," with his really good tenor, would start up something we all knew, books would close and pipes go out, and we all would join in and sing ourselves out of the blues.

What did we sing? Everything, from "America," with special gusto at the "Sweet land of liberty" part, to the last popular song whose strains had

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been wafted to our "desert island." How we sang! When we could not remember or did not know the words we sang on just the same. Hours have actually speeded that way, when we happened to be in the mood, and we were all the better for it. Did I say we sang everything? No, not everything. There were strong men there, determined men, who had done and would do desperate things. But there was one song ever in our minds and in our hearts that never came to our lips, and which not one of us would have dared even to hum. Not a voice could have trembled through had it started. Every one thought of it; no one ever suggested it. You know the one I mean.

One night when we were through an



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especially good concert (I had sung a solo) some one shouted out "Police!" Now, of course, not one of us wanted to have anything further to do with that department. It was only our way of calling for a "light." We have no matches in the Death-Chamber; there is phosphorus in them, and you might—. So when George, our keeper, had come to my cage with the burning paper spill, and when my pipe was going cheerfully, I said: "George, music certainly does affect the emotions, but under some circumstances, I imagine, it could make one quite blue. Did you ever notice that?"

"I should say so," was the reply. "I remember once starting a song here that was never finished for that same reason."

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“What was it?” said I, turning away,
for I knew the answer before it came.

“It was ——— ——— ———.”

“Damn this tobacco! the smoke gets
into my eyes.”

CHAPTER IV

The Murderers' Home Journal

NO newspapers were allowed in the Death - Chamber, therefore the longing for them among its inmates may be imagined. But the law that supply always follows demand, was operative even within the walls of the "dead house," and properly so; for had we not all become intimately acquainted with Law? Therefore we had a newspaper of our own.

Let me tell you of the happy days (happily past) when I was editor-in-chief and proprietor of "The Murderers' Home Journal," sometimes lov-

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ingly referred to as “The Dead House Squealer.” The public will never turn over a file of its pages, but they may read here some extracts from its columns. As to the paper itself, it was as artistic as black and blue pencils could make it. We all contributed what and when we pleased. It appeared when convenient, and as nothing was charged for advertisements or subscriptions, no wonder it prospered. Every one in our community read it and read no other. It contained real poetry, jokes—what jokes!—essays on our neighbors’ behavior, and news—*local* news, together with advertisements which simply compelled attention. The letters therein to the editor-in-chief left nothing to the imagination. And the leaders—ah, I



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wrote them! How proudly I referred to myself as “we”! Sometimes I used a pencil almost as blue as myself, never a pen—a vein can be opened with a pen.

Every proprietor admires and praises his own publication, and I shall proceed to “Munsey” mine. I can say without egotism, since it is but imperfectly expressed justice, that there has never been another newspaper “approaching” it. “Old Sol” does not affect the Death-Chamber; no sun shone on it, so of course we could not “see it in the ‘Sun’”; but we were as up to date in our own affairs as the “Times” permitted, as sensational in local matters as all the “yellows” combined; nothing in the “World” got ahead of our “Journal” in this respect.

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Having no "News" we invented it, just as do the newspapers for which you pay, but we never had to take anything back. The "Tribune" from which it issued was my cage, and I, the editor-in-chief, remained as deaf as a "Post" to all abuse (I am used to it). As for a "Press," we had none. It was printed by my tired fingers. The illustrations were alluring, and though we received neither "Telegram" nor "Mail and Express," yet we never forgot a text to "Herald" our first column. It was always the same one—"Damn the Jury." Its politics were "sound." (All politics are that.) We opposed the government with a capital O, and that institution responded with the only practical solution for re-



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straining the license of modern journalism—it killed the editors. I can truthfully say that it cost me a great deal of money to escape even as far as the “Tombs.” Many of my unfortunate associates have also “passed away” to similar places, and I wish some reporters I know of could be assigned to interview them.

I pass over all the local news which appeared in the “Murderers’ Home Journal.” Such announcements as “John, the Greek, has come back for nineteen years—foolish John!” “Bill Newfeldt caught a mouse in his sock last night—poor thing!” Such as the above, and the chronicled fact that Doctor Sam’s office hours in the morning were from twelve A.M. to twelve P.M.,

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and in the afternoon from twelve P.M. to twelve A.M. (in spite of this he had no “patients”), or a brilliantly worded “ad” advising the reader to take “Molineux’s Bromo-Seltzer”; all these were replete with absorbing interest to us, but not to you.

It was when the “divine afflatus” came upon us, as had the influenza the month previous—we all had it—that you might be interested. Many and varied were the verses that deluged the editorial sanctum; jingles, triolets, lyrics, epigrams, and of course the very first offered was—there, you have guessed it—“Spring.” I give it just as it came to me, leaving it for you to decide whether it be humorous or pitiful.



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SPRING IN THE DEATH-CHAMBER.

Sweet Spring is here, and we all know
it too,
But not, alas, as outside poets do.
Here are no birds, or flowers, or mur-
muring stream,
Our Spring arrives—when they turn off
the steam.

This is a touching song by some true
lover of dumb animals, written upon an
occasion when one of them insisted
upon sharing his couch:

MY RAT.

I love my rat so tenderly,
He is so gentle, don't you see?
He guards my slumbers every night,
To keep me from the slightest fright.
No lions or ferocious bears
Can steal upon me unawares,

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For there is such a noise in here
'Twould fill their cruel hearts with fear.
I love my rat, if he should die
Great tears of anguish I would cry.

Here is a particularly admired effort.
It appealed to every member of our
community on account of its spirited
and militant sentiment. They say I
wrote it. Undoubtedly it will appear
in evidence against me in case of a new
trial—hearsay evidence is “great stuff”:

DAWN.

When morning comes, and Joe pounds
on the bar,
Calling me back from happy dream-
land far;
Although “they say” that two were
killed by me,
How I regret I cannot make it *three!*



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The following admirable pastoral was written by a gentleman with a longing for the delights of rural life—or life of any other kind:

MY ONION.

I love to see my onion grow
And send its shoots up in the air.
It is a homely plant, I know,
But yet its stalks are green and fair.

They say the rose would smell as sweet
If called by any other name,
And so to make my joy complete;
A rose and onion are the same.

For you may call it what you like,
By any name that's long or small,
And though you smell all day and night,
The onion has no smell at all.

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This is wilful peevishness: the protest of some professional kicker:

· MY SOCKS.

My feet are number seven, but the law
says I must wear
A pair of socks that are five sizes
small;
That's why I cry aloud and dance and
at the keepers swear,
And on the State the wrath of Heaven
call.

I wish the Sheriff, Governor, the Judge
and President
And the Jury were all here behind the
locks;
And that ministers of justice would their
living long prevent,
For my toes are packed like sardines
in a box.



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From one of those detestable individuals who wants everything:

THE BARBER.

The barber with his little chair comes
every Saturday,
And after he has shaved us all, he vanishes away.
And once a month he cuts our hair; oh,
what an hour of pride!
He cuts so much and well that we all
want to go outside.
But when I asked the keeper kind (My,
I was awful bold!),
“No, no,” he said, “just see your head,
I fear you would catch cold.”

SULKY ROLIE.

I go to Sing Sing public school,
Where naughty boys are sometimes
sent,

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Receiving as a general rule
A goodly share of punishment.

I try so hard to do what's right,
I study long and never play;
Why then have I this wretched plight
That they should "keep me in" all
day ?

It is natural for a man to strive for perpetual success; but we, who are to lose our lives, should bear lesser misfortunes with greater fortitude than is expressed by this poet. The editor is not in sympathy with his contributor:

CHESS.

When I play chess with other boys,
It's one of all my dearest joys
To hear them rant and storm and tear,
If by my skilfulness and care
They should the losers be.



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Sometimes I am not feeling well,
Since I the "honest truth" must tell,
And though you would not think they'd
dare,
I'm walloped well. Gosh! how I swear!
If they should checkmate me.

In an early issue a gem of an epigram appeared, and straightway epigrams became the mode—we all affected them. The vogue was hard while it lasted. A dozen times a day I was assured over the wireless telephone (Nature's) that Bill or Mike or another had a "bird" for the next issue. Here are some of them.

This one was the "first offence." If you like it, it is mine; but of course if any one is going to get mad about it, then another fellow, one of the dead

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ones, was its author. Is not its sentiment exquisite?

AN EPITAPH WHICH CANNOT BE USED
TOO SOON.

Here lies a judge, whose last words I
indite:

“I’ll go to Heaven—I’ll go this very
night.”

He died as with himself he yet con-
versed;

As usual—his decision was reversed.

Another of great beauty and singularly apt. I have a shrewd suspicion that it refers to the same person:

TO A VERY LEARNED JUDGE.

His Honor is wrong, in error, unwise.
He blunders in every case that he tries;
With “Wisdom” he will not compromise.

So I asked him the reason why.



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The judge replied, after due reflection, "To 'Wisdom' I have a good objection: She had nothing to do with my election." "I agree with you," said I.

Still another, evidently referring to the same respected jurist. It is a lofty and improving message from the Bench. I am very partial to this one:

HEARD IN COURT.

I've changed my mind. Oh, no, I haven't! Did I?

What? I charged that way? No, indeed! I did!

I mean that I said, No. Yes, Yes! I did not.

Then I will charge it. What? My meaning hid?

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My former rulings? I forget them,
curse it!

My opinion is not quite clear, and I re-
verse it!

Modesty restrains me from mention-
ing the author of this glittering example
of pure idealism:

THE COLONEL.

The colonel lay dying. An angel ap-
peared.

This man of great family and titles he
cheered,

“Fear not, to a better place you will
be borne,”

The colonel’s reply was—“To Hell with
reform!”

After a certain assistant district at-
torney, noted for his verbosity, had



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made his closing argument, the jury convicted the composer of this couplet. He seems to resent it:

THE JURY.

To call them twelve trees would be nothing unkind;
They were crooked and green; they were swayed by the wind.

To an assistant district attorney who proved nothing but his own desire for notoriety and his ability to make a noise and keep the Court of Appeals busy. Those who heard him sum up the first important case he ever had, and the one on which rests his reputation (for brutality and unfairness), may remem-

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ber and see the application to a certain part of his closing address:

He persecutes the charming "Bell,"
His "brazen tongue" has now full
 "swing,"
With clamorous lies he "told" this
 "knell,"
Produce, produce, produce the—"ring."

AN EPITAPH TO AN "ABLE ASSISTANT."

In him a great philanthropist we see,
 The friend of negro wench and stable
 boys,
He taught the gentle art of perjury,
 To get convictions every vice employs.

This reminds me of Longfellow (it is so different):



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TO A CERTAIN EXPERT.

I'm an expert. I raise chickens, so I
know about a "quill,"
How it writes and what you think of
while you sign a note or "bill,"
I'll appear against or for you; either
side without regard,
I can tell my favorite rooster by his claw
marks in the yard.
Two wings this fowl possesses; o—"pin-
ions" two have I
There's one for you, or one for him,
for any who will buy.
Like him, I love to "scratch" in dirt.
I'm crooked as his walk,
I "plume" myself, and like my hens I
cackle when I talk,
I'm "hatching" out a plot just now,
really it's very funny,
It's all a guess—ridiculous—but then,
I need the money.

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Some lyrics found their way into those columns. Here is only one of them, for I fear your interest, like the newspaper itself, has ceased:

TO HER PHOTOGRAPH.

Painted by sunlight, all the brightness
 caught,
From out the sky and to my prison
 brought.
No vision, essence, song, so sweet by
 half,
As smiles to me from out her photo-
 graph.

CHAPTER V

Fads

THE Death-Chamber is well worth studying. Our community is certainly interesting. Already I have made a discovery. Every one of us is busy. Here are many languages, temperaments, and moods, but we all have our fancies and our fads.

For instance, there is the Italian next door who makes gorgeous picture frames from scraps of paper, decorating them with colored pencils; these are considerately furnished by the State to prevent him from going crazy. His creations are wonderful, and as his

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mood at present is devoutly religious, his cage looks like a cathedral. Many are the saints that smile benignly and beckon hospitably; and yet Larry does not want to join them.

The religious mood is usually the last of a progression beginning with despair. It is in the latter frame of mind that new arrivals appear. Then there is the studious period, with which I struggle just now, when one reads a great deal and works out chess problems with bits of paper on a home-made board.

Yes, I read incessantly, often under difficulties. Recently I had selected "Paradise Lost." Ah, it was a venerable tome—ragged and bethumbed; dog-eared and tattered was that volume



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in the Sing Sing prison library. I believe its back was also broken. Many cells had it visited. Apparently it was appreciated by the inhabitants thereof. Poor creatures, they too had lost their paradise; but, alas, others had found it—and had moved into the book itself—generations of them! I perused Milton's matchless epic. The stately iambus, the exceptional trochee, dactyl, amphibrach, and anapest rolled and sang solemn music in my soul. I read:

“ Thus they,
Breathing united force, with fixèd
thought,
Moved on in silence——”

What is that! What is that!! On
my wrist, up my arm! Another, an-

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other! Not *that*, but *those*—the myriad hosts of Apollyon's army. They were starved, *they* entered their paradise! Ah, that book was unusually lively reading, for while holding the volume, while improving my mind, the inhabitants—the appreciative ones—had improved their opportunity. They ascended my sleeves for lunch—the book was intellectual food for me, I was food for—I will spare the reader's feelings, the good housewife is their enemy. Just as Satan with appropriate taunts hurled his mighty javelin at the archangel, so I flung the sweet singer's poem into the corridor, thereby adding to its appearance of usage. It was returned in triumph to the library with a pair of tongs. Some day, perhaps, an interested visitor



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may see this volume, the librarian may even indicate it with pride, and judging by appearances (which are quite deceptive) will remark how fond the poor "cons" must be of good reading, of classic literature, of standard works. As for me, my fad is *new* books.

Of the other fads, among the many, is one which the man possesses who makes exquisite paper boxes. His paste was soap, till I taught him to use oatmeal. Then there is the Greek who grows onions. It is for company, surely, for he cannot speak two words of English, and has not a single visitor. The library contains no Greek books, and the English ones are Greek to him. Once a week the great Empire State presents a raw onion to each

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condemned man. Death-Chamber and raw onions—what a combination for producing tears! Let me inform the commonwealth that the onions are superfluous. Some of us eat them. I give mine away, but the Greek plants all of his. This is vastly exciting. First he makes little paper boxes that just hold them, then packs them round with tobacco, moistens the latter, and then sits down and watches them grow. This is almost literal, for never did “green bay tree” so flourish. From the rapid way they shoot up, I know that if any blossoms or fruit grew on the stalks they would be little balloons. And the color! the most beautiful green you ever saw—this from the tobacco. I have always suspected that “State” to-



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bacco was made from some sort of—fertilizer! So the Greek watches his onions, and the death-watch watches the Greek.

I try to imagine his thoughts. It is easily done. I am sure he sees the little cottage and garden in the far-away archipelago where he helped his mother do just what he is doing now. Perhaps that is the first thing he remembers—perhaps it will be the last. He is not handsome, but how his face lights up sometimes! Then I know that he is living over the days when, as a youth, he worked in the vineyards or among the currant bushes at home. There is a romance behind it all, you may be sure.

Yesterday he was here watching his

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onions with all his usual care; to-day he is gone, and the keepers are sweeping his onions out and throwing them away, for no one cares for the onions except the Greek, and no one regrets the Greek, except, perhaps, the onions.

Happily this is not a sad ending, for "John, the Greek," has been given a hope—he has gone to New York for a new trial. His life was never in the slightest danger, he having been tried and sentenced by a judge who has condemned many men to electrocution, and not one of them, I believe, was ever executed, because their trials before this judge have been found by a higher court to have been illegal. This is one of "His Honor's" little ways—he also has his fad.

CHAPTER VI

The Mayor of the Death-Chamber

I HAD ruled undisputed for a year —it seemed a century. By common consent I was the acknowledged “Mayor of the Death-Chamber,” and very properly so, for was not I the oldest inhabitant? All questions were referred to me. I was the final court of arbitration; what I said “went.”

This delightful state of affairs was undisturbed, even undisputed, until Benjamin appeared. Benjamin was a gentleman of color, a youth with a penchant for politics. Before he had been among us long enough to learn to appreciate “State” tobacco, he became rebellious.

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He disputed my authority. He was evidently jealous. His ambition vaunted itself till it seemed as if he would attempt to appropriate to himself the perquisites of my high office. Benjamin was altogether impossible. He knew all about politics; his brother worked for an alderman. Benjamin insisted upon expounding their intricacies and the subterfuges necessary to carry wards and districts. What a mayor could or could not do was an open book to him. Benjamin knew everything. He would hear no reason, listen to no explanation, had no respect for my year in the Death-Chamber. He trampled upon my rights; he was unceremonious, even familiar. He questioned the legality of my claims. He demanded a fair and



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open election, announcing himself to our citizens as a candidate, the people's candidate, the poor man's friend, a Democrat! All that evening he gave us of his oratory. He denounced me in every scathing phrase to which he could lay his tongue. I was an aristocrat, a representative of trusts, a vile Republican.

A rival had presented himself. The issues were joined. I bribed him into silence with a cigar. The next evening he demanded two to stop talking. I refused. It was war to the death. I made no speeches, but consulted with my constituents. "We were seven," and seven fat cigars left my pocket; but into the same receptacle from whence they came I put the solid and unani-

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mous vote of the Death-Chamber. I did more. I taught Benjamin a lesson. I told him I did not care for that office any more; that it was a burden I would gladly lay down. He wept as he thanked me. He worked hard, and received pledges of support from every voter—they had their instructions.

It seemed a “walkover” for Benjamin. He began to think how “Honorable” would sound before his name. The voting proceeded. The superintendent of elections was the night keeper. He announced Benjamin’s unanimous election to the office of Mayor. The sounds of revelry and thanksgiving from Benjamin’s cage sounded like rival camp-meetings possessed of the devil. He—Ben, not the



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latter — made an eloquent speech of thanks as befitting the occasion in which, for the last time in his life, he spoke well of me.

In response he heard the announcement of my election as—Governor. Then there was silence in Benjamin's executive mansion, the "city hall," as he had just christened his cell. The first official act of "His Excellency" was to exercise his inherent right and remove "His Honor, the Mayor," from office. Benjamin never recovered. When, a few months later, they escorted Ben through the "little door," I think he was perfectly willing to go.

CHAPTER VII

A Psychological Experiment

(A Chronicle of the Tombs)

IT was in the old Tombs prison and in the old days which are past, when they hung men in its courtyard, and it was a very hot night in summer. Of all the human beings within its walls—keepers and kept—one man alone was there because he wanted to be. Not another beneath its old roof but would gladly have changed his position—on either side of the bars—for the free hot night without. It was blistering, and there was no breeze or beer to be obtained in the Tombs, and very little rest or sleep.



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Does it seem incongruous that a man of wealth, culture, and position should be there of his own volition? Not at all; he was trying an experiment. And that was why, after a liberal expenditure of money and the use of some little influence, this young man was the occupant of that particular narrow cell for the night. What he saw there was very little, for the apartments were constructed from a point of view not scenic but secure. What he heard might perhaps better be left unsaid. And what he smelt was indescribable. For this story is of the Tombs in the old days, and really to describe it at night and in summer would be to drive realism insane. The home of misery, revelry, and some repentance—tears and

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jests six inches apart — romance and death, young sin and old crime; folly, vice, and worse, all mixed together and seasoned with a very little humor.

The Tombs is like a sieve, separating the unjust within from—well, the more or less just without. It is like some great iron net through which the tide of criminal life surges, and many are the strange fish caught therein. If fish, one of my senses assures me that many of them have been out of their natural element for a long while. Some of them were not caught yesterday or even the day before. They are old, and you know it even as you approach.

But it is with this young man's feelings we have to do. In spite of the investigator's unpleasant surroundings,



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his thoughts were those of happy anticipation, and his mood that of extreme satisfaction. All unmindful of the misery on every side, he paced up and down the little cell, in which the faint light from the corridor chased shadows on the stone floor and dim walls. His face bore a look of triumph. He congratulated himself. What to him were the disturbances that assaulted his senses, the noises of those who amused themselves according to their possibilities, or the snoring of some who dully slept, luxuriating in the comforts of the best home they had ever known, the vomiting of a drunken sailor across the tier, an obscene song from a young negro with a falsetto voice heard along the corridor, or the clog dancing of an

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“artist” directly over his head, who whistled his own accompaniment. These things were nothing. He scarcely heard the shriek of the delirium tremens case in the hospital ward below, nor the curses of the person constrained in the straight-jacket. The remarks of the poor devil occupying the “cooler” were naught. The smell of iodoform was lost to him, for all this had nothing to do with his experiment.

Had you seen the books on theosophy, occult science, reports of psychological societies, etc., in his beautiful apartments uptown, you would perhaps have guessed his object. But only he could have told you properly of his enthusiastic devotion, his absorbing interest in these studies, and, most of all,



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of his disappointing attempts at personal research. For in spite of closest study, deepest investigations, and widest experimenting, his longing and anxiety to see an apparition had never been satisfied. Such things as ghosts existed, he was sure of that—he knew it. Others had seen them. But his ardent longing to have personal demonstration of their presence remained unsatisfied, despite the many séances attended, desperate colds contracted in churchyards, and heroic pilgrimages to alleged mahatmas. Oh, the bitterness of hearing and rehearing the success of others whose accounts he even found himself jealous enough to doubt!

But at last it had come—this inspiration. Did the doctrine of environment

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mean anything at all? Assuredly! Here was the key to the situation, and that is why arrangements had been effected by him to sleep alone in the cell, the very bed, and bedclothes of a man hanged that afternoon. That is why he awaited midnight in the Tombs—midnight in “Murderers’ Row.”

He had been careful to attend the execution and to view the remains so as to recognize the astral body when it should appear later, for was it not absolutely certain that the spirit, consciousness—call it what you will—of the departed man would return searching for its body? And where to if not this little space the earthly part had occupied so long and where every emotion had been known? Surely this cell



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would be the first place to attract the released spirit. Here for the deceased had been the dreamings of past days, the horror of the realized present, the torture of the anticipated future. Long days and longer nights in which the inmate had burned with the fever of hope or shivered with the chill of despair. In this room his mind had been the home of every emotion. What hate, revenge, fear had these walls seen glower from his eyes! What prayers had been heard in weaker moments, confessions perhaps solitude had wrung from his lips! Here had been all passions. Here he had heard the cold voice of the sheriff reading the death warrant. Success was assured. There could be no doubt about it; and it had

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remained for this adventurer to discover the untrodden path. He was there to note and describe everything. Sublime discovery, method extraordinary, most perfect system of wresting the unknowable from the superhuman! He felt a veritable Columbus of daring. And the envy of his fellow-investigators in turn when he should give his contribution to science and should read his paper! Why, this very experience would be quoted in books! It nerved him to attempt anything.

He took out a note-book and began to prepare the opening of his prospective address. The night keeper on the last round accepted his cigars and said good night. It grew quieter. The singers were hoarse, the hospital patient quiet



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or drugged into quietness, and the inhabitant of the "cooler" had expressed all his opinions of every one and subsided. The time had come to prepare for the reception of the released spirit. It was his own body the experimenter proposed to submit as the material part to which the murderer's consciousness might find access. He must undress. He did so, and contemplated the soiled sheets; but it was in the interests of science, and he did not hesitate. And now to compose his mind, to cultivate an abstracted calm, to wait and observe. Such was the success of this attempt that he slept.

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Twelve solemn strokes. . . . He awoke. A dim light filtered in from the

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corridors. There were low murmurings in the air. The stairway creaked. A chain rattled. And somewhere far off a gate closed with a clang. The proverbial cold perspiration streamed from him. The orthodox goose-flesh appeared. His hair rose as it ought to. His flesh literally crept. Everything was as it should be. All the proper symptoms in their proper order. Something was in the room with him.

Was it the murderer's spirit returning? The black cap over his gleaming, protruding eyes, groping in the darkness back to his last place of rest, feeling his way, searching the bed, and touching the intruder of his domicile? Yes, he feels something resembling the murderer's clammy, trembling fingers



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passing over him. Victory? Success? Eureka? This awful moment should be the happiest of his life.

But a great horror came upon him. With a shriek which awoke the warden and deputy warden, the principal keeper, the deputy principal keeper, the guards, turnkeys, watchman, nurses, messengers, and all the prisoners, every living soul within the walls, he threw back the bed-clothes and looked with agonizing eyes at—a score of bloated little red demons running away into the shadows as fast as their innumerable legs could carry them.

CHAPTER VIII

Me and Mike (A Chronicle of the Tombs)

THAT'S me and Mike," he exclaimed, reverently removing the newspaper covering and thrusting an old tintype into my hands. And then I recognized "Mike," for he came to see my neighbor every day—in his mother's arms. We (Mike's father and I) were neighbors, and neighborly—which are two different things—and often walked together during exercise hours, I listening and he telling of the doings of the little "geezer" and the "tricks me and Mike have turned off together."

Yes, I knew Mike, and he grew to



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look for the candy I sent him by Apple Mary, but he never thanked us; and, considering his short two years of life, Mary and I did not expect it. His mother spoke to Mike's father—on the other side of the bars, no doubt about it. I have heard her! Papa talked back, but Mike only smiled and cooed. Among other things, my neighbor told me that the police "had him right," and so it seemed, and the day of sentence came round. "Me and Mike" and Mike's mother exchanged kisses and epithets; then the sheriff began his search. He found the tintype and gave it to Mike's mother despite angry protests; and then my neighbor made a very foolish move. It was towards his hip pocket; he put up a good fight

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while it lasted. But he was overpowered and handcuffed and the concealed weapon drawn forth—it was Mike's little blue shoe. Somehow or other I did not see the rest of it very distinctly.

CHAPTER IX

"Old John" (A Chronicle of the Tombs)

DO funny things happen in the Tombs? Lord bless you, yes! Why, you have only to visit it to meet the prince of humorists. Come! He will be at the door to meet you; in fact he is "laying" for you, and will show you through the entire institution and out again—which is not a detail. He is affable to a degree, and you would be vastly amused if, like us, you were on the "inside." But you will probably listen seriously; and although you will not lose a word of his remarks, you will lose all their exquisite humor. It is Old John who has the fun

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all to himself, for he is a wag in his way, and combines business with pleasure. He is a true story-teller. How I envy him his imagination! What tales I would tell if it were mine! I could—yes, I would write several novels and do five-act plays, dozens of them. Old John could easily be a poet or a writer. He certainly is an actor. No tragedian who I have ever heard can put such horror into his voice. His sepulchral tones, with just the proper amount of tremolo in them, would make the fortune of any Thespian. Of course it is impossible for type to reproduce it.

Old John shows you through the main building, the Women's Prison and Boys' Prison, together with the New Prison, the Ten-Day House, the Hos-



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pital, Kitchen, *et al.* He romances with the ardor of a born raconteur; he knows you will pay him something, but were that not so, I believe he would do it for the love of his art.

“Do you see that man? He’s in for m-u-r-d-e-r !” You shudder and turn away, saying “poor fellow” perhaps, and the sweet girl you are escorting gets a little closer to your strong right arm; and immediately you are vastly interested in this subject, and determined to thoroughly discuss, to exhaust the topic. And yet the unfortunate man may have committed no more heinous crime than the theft of a door mat, or that equally felonious one of peddling clams without a license. Yet I am sure you would readily condone this

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departure from the exact truth, even were you aware of it. Old John selects the crime to fit the physiognomy of his subject and enjoys your curiosity immensely, but he never smiles. A neat little gloved hand may have slipped into yours, or more likely you have appropriated it—I have known it to be done—and to prolong the moment you ask, “Where is Molineux?” The question is not altogether an unfamiliar one; it has been asked so often that Old John has given it very considerable thought; and in his answer he rises to a high dramatic effect. “I dasn’t show you!” he quavers. “I dasn’t even go near where he is my own self”—each tone is a triumph of horror, the descending cadence drives the blood back into your



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heart, and that pretty girl—bless her!—imagines a Molineux eight feet tall, who eats raw meat, and can neither read nor write. He winks at me if I am standing by and overhear. How does he keep from laughing?

Oh, the fund of information he will impart to you as he guides you around! “Yes, the men is allowed to walk up and down in their cells or to sit on the bed daily.” All this on one tone and in one breath. What an engineer John is! Listen to his description of the mighty wall which encloses the Tombs: “That high wall around the prison was built at great expense of money, time, and men, so as to put the yard inside of it.” And an architect! “This building and that building isn’t

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the same building at all.” Ah, there is method in it all! He is leading, as every great dramatist does, up to his climax. Old John approaches it with reverential awe: this great beam of wood, lying in the yard, what stories it could tell! But John anticipates any superfluous remarks this obsolete institution might make for itself.

“Do you see that beam of wood? That’s the last piece of the old gallows; all the rest has been cut up for relics; here the rope was tied.” Old John’s monologue, which follows, closes with these words: “And here you see the marks made by the axe in the hands of the hangman when it cut the rope that sprung the trap, launching the unhappy wretch into eternity. They do not hang



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yet any more, they make them sit in a chair up at Sing Sing, and kills them with nobody knows what." He never says electrocution, it's too much for him; perhaps he does not believe in it — neither do I.

We suspect that every now and then John freshens up these marks himself; should this part of the old apparatus be painted, John would lose half his income — those chips, not his face, are his fortune. How little a quarter must seem, how good is life to a visitor after hearing John and seeing the old gallows! Old John is a judge of human nature: if he thinks you will stand it, he points to a *black* stone in the side of the old Tombs and tells you it is where a colored man dashed his brains out long

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ago rather than be hung, and how the successive wardens have tried unsuccessfully to remove the stain.

I remove my hat to his genius when I recall an instance of John's impromptus. One afternoon a well-known clergyman called and joined me in my walk over the cobblestones in the prison yard. We talked long and earnestly—the dominie and I—and smoked large black cigars. Old John arrived with a party of eager visitors. Old John was in a state of prime satisfaction; business was good and his pilgrims were appreciative. After pointing me out, he was asked if the minister was Molineux's spiritual adviser. Oh, John, what inspired you to sin, and have you ever confessed it? Was it the dominie's



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cigar? “Do you see that reverend gentleman? He was arrested this morning for throwing his mother-in-law out of the third-story window; he will get twenty years at least.” The horror-stricken visitors looked at the calm, intellectual face at my side and gasped. Not one of them had curiosity about me after that. I was a poor worm in comparison with my more awful companion. I wonder what they will say should they enter Dr. ——’s beautiful church some Sunday and see him in the pulpit.

John never “smiles.” Wait a minute! Hold on about that! About once a month he is missed over night; they say he does “smile” periodically, and then very frequently indeed; the

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next morning every one in the Tombs accuses him of gallantry. No wonder; John has a very handsome goatee, and knows it. We accuse him of gallantry. How immensely pleased he is, and how modestly he protests! "Methinks he doth protest too much." I asked him once about the matter. "Is it true, John, these things I hear about you?" This was his reply: "Some says I do and some says I don't." You will never get Old John to compromise himself. I suspect he has, like many of us, taken the "third degree" at some time during his long life. I said to him, "John, you have been here a long time, and must have acquired quite a lot of money; why don't you go home and settle down?" Could Solomon excel the



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reply? "Because they would take away the little I have and send me back for more." I shall not be more definite about my friend's age, for two reasons. The first is that he would not like it; the second, that I do not know it—no one does, no one remembers when he first came. There is much speculation in the Tombs as to Old John's financial status; on this question he keeps his own counsel; he can always change a \$50 bill; perhaps he is your landlord.

There is another matter upon which he imparts information to visitors—the most important one—it comes like the catastrophe of a play, just before the curtain is rung down. "Do you see that man all dressed up in brass buttons?" (pointing to a keeper). "He's

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a keeper, *he* gets paid a salary for *his* services. But I only gets what the kind *visitors* gives me, and all I gets over a dollar I buys tobacco with for the poor unfortunate men you see dressed up in stripes, who have no money!" Whew! Old John (the rascal) will give the tobacco in the next world—*perhaps!* and a light with it—maybe.

Out of consideration for many years' sojourn with Old John, I will not state his salary. But if I ever get out of here (which *I* never will), and Old John should die (which *he* never will), I shall apply for his position. Come and see the old Tombs for yourself, where so many good fellows have lived and died, before it is too late. Come and listen to Old John, and pay him well, for it's worth the money.

CHAPTER X

Her Friend (A Chronicle of the Tombs)

BRIDGET, alias "The Rummager" (rummager means thief, pickpocket), was incorrigible; had always been so, and there were many reasons for it, such as heredity, environment, opportunity, habit. Bridget had been in the "Pen" (Penitentiary), the work-house, the Tombs. "Had been," for "The Rummager" was free. She was just leaving the latter prison on the afternoon of Monday, February 24, 1902. There was money in her pocket. She had worked in the laundry doing washing for the aristocrats and millionaires over in the men's prison.

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Freedom and money! This had always before meant a celebration, but to-day Bridget kept on her way towards Chinatown, passing for the first time the side doors of the saloons which had been best loved and most patronized. She did what she had never done before under such circumstances—she hurried home. Bridget was welcomed, was invited to make an occasion of the event. She declined. This behavior caused consternation and criticism in “The Barracks.” Bridget hurried away to the “Bend.” There she haggled with Isaac over the price of a dress—a black dress. Finally it was hers, but it took her last penny—and all her other bills and coins.

Bridget disappeared. This was no novelty, such occurrences were not un-



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usual. No one worried about it. Some hours afterward they learned that she was working. They jeered at and reviled the joker who brought the news. That afternoon, for the first time in her life, Bridget earned an honest dollar. It was perhaps the first money not spent in dissipation.

The next morning was the first time she had ever bought flowers. "The Rummager" laid them upon the coffin of her friend—"The Tombs Angel."

[NOTE.—Mrs. Salome C. Foster, of blessed memory, for many years devoted herself to the unfortunates confined in the city prisons. This valuable and beautiful life was lost in the Park Avenue Hotel fire, February 22, 1902.

CHAPTER XI

Life

ALL that is enjoyable; all that one would possess, and do if one could, is summed up in this word—Life!

What is it that the young would see? and the flight of which is regretted by the old? It is Life!

This is the almost universal meaning of the word. You speak it, and think of dance and song, women and wine, sunlight, blue skies, and freedom.

To us it has another meaning—try and imagine it.

Sometimes when an important trial is closing and the jury is out till mid-



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night perhaps, we, the inhabitants of the Tombs, sit up and listen for the little bell which rings in the prison, because one of us is being brought back across the "Bridge of Sighs."

Here he comes! "What did you get?" calls out a friend from the top tier, and there is a clutch at every heart, a horror that you on the outside will never be able to appreciate, when we hear the answer, the sentence most dreaded—"LIFE."

CHAPTER XII

My Friend the Major

WITHOUT exception, the Major is one of the finest men I have ever met. I like him so much that I am willing to tell a truthful story, or rather, tell a story truthfully (which is a very different thing), at my own expense.

It was this way: Benjamin had got religion. Benjamin preached a long sermon to us every single evening; he preached revival sermons, missionary sermons, and obituary ones on all the fellows who had gone through the "little door." When he had exhausted these—and us, he would say, "Now this is



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what I am going to say about *you*, Mr. Roland, after *you* have gone." What followed would depend on how I had treated him during the day.

Another reason why Ben preached. Benjamin had made me this very handsome proposition: He knew a man in Brooklyn who owned a tent. *I* was to hire that tent, and sing outside to attract a crowd. We agreed that I could do that successfully. Then *I* should enter and sing inside, and *he* would stand at the door and collect ten cents from all who entered (if there were any so foolish). Then *he* would preach, after which *I* should sing again while HE took up a collection. I tried to suggest other orders of events, but Ben insisted that this was the *only* one he could agree to;

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and as it seemed perfectly fair, I consented. If Ben had only lived, how rich and famous we should have become, and happy, too, for Ben enchanted me with descriptions of all the nice colored girls we should meet. Life was *very* tempting. On account of this arrangement with me Ben thought it necessary to rehearse his sermons every night, so as to get into practice. He addressed them to "youse poor, mean, miserable, damned sinners in here in the Death-Chamber." His elocution consisted of main strength.

We were tired of it, so Larry swore out a warrant; Shorty indicted him; Eddy committed him to prison; and finally he was brought to trial. John was the jury. I defended my colored



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brother, and the Major, who was on duty that evening, prosecuted him. Why did I defend him? Because he sent me three oranges and implored my help. I asked him if these were all he had (this is a lawyer's first duty toward himself). They were, so I accepted his retainer, and told him not to worry about his affairs—neither did I.

The case came up that evening, and I asked for a postponement, for I have observed that all expensive attorneys do this. No adjournment was allowed, however, so I explained to my client that the District Attorney's office was trying to "railroad him," and he must raise more funds. He tendered a paper of State tobacco and three tooth-picks. I took the tobacco, but refused

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to consider the toothpicks as collateral—I had seen newer ones. I demanded more tobacco; he had to borrow another package. Then, knowing I had everything he possessed, I was ready to proceed.

“Judge Sparta,” of Binghamton, presided, and a more learned and impartial jurist never wore “sneaks” (felt-soled slippers). The trial proceeded under his just rulings, and with great decorum. The evidence was so conflicting, that it was agreed between counsel that whoever made the best speech in summing up should win the case. I felt sorry, indeed, for my opponent, for the Major is a silent man. I summed up with all my usual eloquence. Even the judge was affected as I pleaded and threatened. I



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was humorous and scornful by turns, the jury wept or laughed at my pleasure, and when I spoke of Benjamin, I made a bishop of him, dressed him in episcopal robes, and placed him at the head of a great university (the tent). I showed how his white hair would be loved and venerated at this seat of learning—if he lived. There was not a dry eye in the Death-Chamber when I finished this part of my oration. And when I closed with a scathing arraignment of the Major's legal methods, the great crowd in the auditorium, who had remained spell-bound, prisoners to my eloquence, burst into frantic cheers. During all the time I had been speaking not a single man had left the room. "That speech should be put in the fourth reader," said the

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judge. I had a right to think that mine indeed had been a powerful effort—I had made a home run. I was number one. I knew I had the Major licked.

The Major's speech! Words fail me to describe how, from lofty to still more lofty flights his oratory ascended, climax upon climax and further climaxes still! Even I was thrilled. I forgot my case, my client—everything. I may say it was a long speech—yes, I think I am justified in saying so. First came Henry Ward Beecher's great abolition sermon, then Ingersoll's oration at the grave of his brother, next Lincoln's immortal speech at Gettysburg. Heavens! what a memory that man had. The very bars of our cages melted like wax as he proceeded to declaim his own speech of



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thanks on the occasion when the Tarrytown Fire Department presented him with a speaking trumpet. Here the enthusiasm of my constituents could be restrained no longer. They cheered the Major. They reviled *me* ! I was told to get under the bed. Then followed the Masonic burial service, about our weary feet having come to the end of the toilsome journey before the Great White Throne. When the Major reached this point Benjamin could see, in his mind's eye, the cemetery, the open grave amid the tombs and monuments; he could see the pall, the coffin under it, and—himself inside the coffin. Blue perspiration exuded from Benjamin's person. I could plainly hear his teeth chatter as these awful phrases

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rolled from the Major's lips as only he can roll them. They made Benjamin sick—I didn't feel very well myself.

Of course the jury, who was another Mason, convicted Benjamin of the crime of—heresy in the *last* degree. But Ben maintained to the very day of his death that the Major “conjahed me with churchyard dirt,” and I believe the Major always has a rabbit's foot concealed about him; at least I hope so, if it brings him good luck.

CHAPTER XIII

A Dissertation on the Third Degree

THAT the present condition of affairs regarding the administration of justice in New York City is unsatisfactory, will hardly be denied, while such glaring instances of recent incompetency are fresh in the public mind. The many comments and editorials appearing in the best metropolitan newspapers attest that our citizens are conscious of the defects in this department, while the press of other cities throughout the country, and even abroad, reminds us in no uncertain tones how we are regarded by our neighbors. This matter has been recognized of re-

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cent years, and attention called to it by investigating committees appointed by our Legislature. But the efforts of these committees have been too widely distributed; they have attempted to investigate too many things in general; and the methods of the District Attorney's office in particular, although regarded with suspicion by a large majority of those who read and think, and with contempt by those who know, remain—unexposed, despite the fact that they demand immediate attention.

It would seem as if some of the strenuous periodicals with which we are blessed, or otherwise, would find here a fruitful field for sensational effort; but it is precisely to "yellow journalism" that the District Attorney's office caters;



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and this branch of the press will be unlikely to turn and bite the hand which feeds it so generously. The better type of journalism will have none of these matters. Those of the legal profession who know—the lawyers practising in criminal law courts—must be careful not to offend so powerful an institution, whose disfavor might mean ruin. And the Bar Association ignores or postpones action. No persons in private life care to take the initiative; and perhaps they are right. It is safest not to interfere. Why then should I undertake the task? Simply because I have suffered unjustly, and have seen others suffer injustice. This is my sole warrant and authority. And in this matter I am very much in earnest.

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The present state of affairs is the result of previous conditions, older methods of criminal procedure, which have been developed and expanded until at the present time they have overstepped all decency.

Let us begin at the beginning, for what I am about to describe may happen to any one. When a man is arrested the police proceed as follows: Invariably starting with protestations of sympathy and faith in their prisoner's innocence, they make offers of help and assistance. The suspect is coaxed into a confession if possible; this is the first degree. Let us further suppose that, on his part, all guilt or knowledge is denied. Then the second degree is "worked." Here traps will be laid for him—he will be



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lied to, threatened, frightened, it may be. A lawyer may now appear. He says an agonized mother has retained him to take the case; he guarantees immediate release, and is ready to hear the story. But suppose the "agonized mother" to have been dead many years, naturally his services are declined. It is well. The confidence would have been extended to a policeman. I have heard that a cassock sometimes robes the same individual on a similar errand. This "moral suasion" may be extended over even a day or two, reinforced by such pleasantries as being awakened the moment one drops asleep. Meals are "forgotten," a drink of water is an impossibility; or liquor is plied if that will open lips. In summer a cheerful fire

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may burn very near the cell door; the windows are closed, one may perspire a trifle. If the season be winter, no inconvenience is felt by reason of superfluous heat. This is not denied by police officials. I believe Superintendent Byrnes describes all these methods in his book, and tells how a suspect is locked up in a cell with the instruments of the crime he is accused of having committed, or even with the "corpus delicti" itself. Proof of this method is found in that atrociously and hideously managed persecution of a young woman, in which evidence collected in this manner was offered in court—and very properly ruled out by the presiding judge. The case is too recent to be forgotten.

If the prisoner still remains obstinate,



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the third degree follows in due course. This is not at all the bloody affair which some fancies have painted it. The appearance of those who have just gone through the ordeal indicates nothing unusual—perhaps a little pallor and a slight derangement of the digestive organs; for to be struck in the stomach with a lusty fist enclosed within a boxing glove or beaten across the kidneys with a piece of rubber garden hose leaves no marks, that is, on the *outside*. No right-minded person who has experienced this will ever complain to the courts; he has no witnesses; “there is more in the closet.” I believe that the “third degree” is very seldom used unless there is almost a moral certainty that the person subjected to it is the

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proper one to receive this modern torture.

I have never experienced the "third degree." To me, as to every other good citizen, the term had been a familiar one; but the details never having been made public, my impressions of this ceremony were extremely vague, until a time came when opportunities were frequent to get information regarding this matter at second-hand, decidedly the best way of obtaining it. During the exercise hours in the Tombs prison, I walked with scores of men who have gone through this initiation. For two years I asked questions of those who could not possibly be in collusion to deceive me; and as all their stories agreed, I think I have given



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a correct description of the three degrees. My little diary, kept all that time, contains my notes and lies before me. There was another place in which I heard about the third degree. On rainy days in the Death-Chamber at Sing Sing prison, when it was too dark to read (and there were many "gloomy" days during those two years), we whispered our experiences to one another. All my companions had been taken to Police Headquarters or to station houses when arrested. I went to the Tombs directly from the Coroner's Court; across the "Bridge of Sighs," or, as we call it, "The Suspension of Howls," and there is no "third degree" practised in the Tombs.

The "third degree" is not a fixed

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ceremony. It is regulated to suit the individual (I do not mean his taste), and differs with the personality of the grand master. Its object is simply to promote conversation in the hope that something compromising will be said. It is almost always a success; some persons become even garrulous. No excuse or explanation is ever made for the third degree, because its use is vigorously denied by those in authority. But I do make such an excuse; there is much to be said in its favor. Guilt cannot be hunted down by innocence. You must "match cunning with guile," "you must fight the devil with fire," and when clubs are trumps—play them.

Take this matter home to yourself; imagine a case in which you are very



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much interested. Your house has been entered and all your wife's jewelry stolen; you complain to the police. Of course, having done so, the yellow journals print a full account of the robbery, also more or less flattering fake portraits of yourself and family. Your bath-room, through which the burglar entered, is described in detail; your billiard table, library cuspidor, etc., are photographed and printed life-size in the evening editions. The next day a portrait of the pretty typewriter employed at your office is displayed, whom some lynx-eyed reporter has discovered wearing diamonds. Then everything you *never* did in your life is disclosed. The "journalists" take possession of your home; an old pair

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of slippers and a bicycle hat of bygone days are discovered. You stole the jewelry yourself, you know you did! Your hidden sins stand revealed in all their repulsiveness. The finger of sensational journalism has torn the mask of hypocrisy, so long and successfully worn, from your repellant countenance at last. Confess, miserable wretch! Pictures of Judas Iscariot, Captain Kidd, and others of their type appear in the hysterical press. They are all labelled with *your* name. How you will be roasted! "It is said," etc., that on dark nights you steal forth to exhume deceased infants from their tombs—and to eat them. Are you ill-advised enough to deny this? Beware! As for the partner of your joys and



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sorrows, "We have it on undeniable authority," etc., etc., that she went yachting with that gay club fellow Noah, and has been engaged to each one of his guests in turn. For a penny, "all who run may read" these romances; the only redeeming feature being that those who read do not believe. While this is going on your better half stays in her room and weeps.

The servants leave, and you have to answer the door-bell yourself and be polite(?) to the representatives of the press, who call every few moments for interviews, and who never print a word you say to them. Every tradesman you deal with sends a collector with his bill; your life insurance policies are cancelled.

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Then the police captain of the precinct sends for you. You go prepared to be cast into prison. Not so; while the "Journal," "World," and "Herald" have been clearing up the mystery of this "inside job," the police have made an arrest. The prisoner is a well-known burglar. On that night and at the time your house was entered he was seen loitering outside, but just at present he won't talk. You know that he either robbed you himself, or watched while a confederate did. Do you want your wife's property? Do you want your character back again? Do you want to get "hunk"? Remember, whoever entered your house came prepared to kill. Perhaps you are a father, and know your conscien-



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tious duty towards that eldest son of yours, your own flesh and blood, when he has misbehaved and is sulky. Do you birch him? Do you trounce him, or do you stop to argue? Is it more brutal to inflict corporal punishment upon a man than upon a child?

But you don't stop now to debate that question. You fling yourself upon your knees, and with tears implore that you be allowed to assist at—"the third degree." You even offer all the worldly goods you have left for the privilege of plying that garden hose yourself—just once, where it will do the most good. Stop, sir, the law forbids! After a couple of howls the peevishness of your new acquaintance vanishes. He speaks. In a few hours your property is re-

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stored, and you are distributing cigars and buying wine for the reporters, in the hope that they will stop lying about you. Your wife condescends to speak to you for the first time in days. If upon his trial the rogue should plead that an illegal confession had been wrung from him, and the police should deny it, would you go to court and corroborate the thief, or would you "lie like a gentleman"?

The question is, Is the "third degree" ever used to compel a confession from an innocent person, or to satisfy a grudge? In either case the abuse, not the use, is to be condemned. Are theories made up without evidence, and some poor victim made to fit the case by means of torture? Was "Frenchy"



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really innocent and in prison all those years? If not, why was he pardoned a few months ago? Was McAuliffe beaten to death to satisfy a grudge, or for fear of future revelations? It is not my business to find out. I have been informed that at the last election the people selected some one else to do that; and if in theorizing upon these subjects to myself I have come to no conclusion which I care to give here, I am sure I do the "Finest" no injustice, for they have theorized on my case for nearly four years, and have come to no conclusion at all.

The first and second degrees are efforts to outwit a criminal. They would seldom entrap an innocent person. Moreover, the accused need not answer

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questions, and this should be the course pursued by any one accused of crime, no matter how innocent. The first and second degrees are admitted to exist; the third degree has been described, and, on the whole, I am inclined to approve of it, although unlawful. It has brought many criminals to justice; but I do not defend *the fourth degree*, which is the name I use, for the lack of a better one, to describe the present state of affairs existing in the office of the public prosecutor. It is a continuation of the others, after the affair reaches the hands of an Assistant District Attorney with an ambition for a record for securing convictions—one looking for a reputation. It is made possible by twin evils of recent birth: yellow journalism



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and expert testimony. Summed up, it is the use of slander and perjury. In the "fourth degree" the pen is mightier than the night stick—the victim is not pounded with the "locust," but in the press. Like the fourth dimension of space, if there is one, this state of affairs is invisible; but invisible only because we will not observe.

Permit me to prove the existence of this fourth degree. Time was, when trials in the criminal courts of this country were intended to determine the guilt or the innocence of the accused. All this is changed now; convictions must be obtained by every and any means, when money and reputations are to be made; and the secret methods of convicting innocent men constitute the fourth degree.

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Immediately upon arrest, or even before, public opinion is aroused against the suspect by inflammatory newspaper statements in which the victim is accused of crime; the presumption of innocence is no longer allowed him. His family is branded by the most contemptible calumnies; and the public is assured in every edition that the authorities have ample proof of the accused's guilt, that new evidence is constantly pouring in, and that conviction is a certainty. During this trial in the newspapers, fake evidence is published; opinions of previous officials not noted for their overblameless public lives are printed, experts are turned loose—all of them, of course, on one side—and this is kept up until it is believed that public opinion has



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been swayed against the victim. Eulogies on the generosity and fairness of the assistant prosecutor in charge are printed editorially (making certain the source from whence these articles emanate, for in our day, the District Attorney's office has become a news agency for sensational journalism). In the manner affected by all savages, this red fire is burnt, tum-tums are beaten, stink-balls thrown to distract public attention from what is about to happen.

Now comes an all important part of the fourth degree. The public prosecutor declares that he has never known a plainer case of guilt; and deprives the accused of the examination before a magistrate, which the law guarantees him, by "railroading" the case before

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the Grand Jury, which has been prepared and prejudiced by poisoning the wells of information—the press. These proceedings being secret, evidence favorable to the defendant is suppressed; and lies can be manufactured if needed, for no cross-examination of witnesses is permitted. It is the golden opportunity of any secret foe. Of course an indictment can always be secured under such circumstances, the accused branded and thrown into prison, and need never know one word of the evidence against him. Great is the political and legal capital of the Assistant District Attorney who manages a case in this way, especially if the victim be a big fish. He is called a “Fearless Prosecutor”—an “Able Assistant.”



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If the accused has money he can appeal to a higher court and have such an illegal indictment set aside, but the prosecuting attorney will make this process long and expensive. The more money the accused spends now, the less he will have for the necessities of the trial, and his wily opponent knows this well. The Able Assistant is not troubled with matters financial. There are fresh bond issues for him, if necessary. Should the Grand Jury refuse to indict and discharge the accused, the "Fearless One" simply arrests him again, and repeats his efforts before another Grand Jury; all the time assuring the public that the prisoner's millions will not save him, and that the prosecutor can be trusted to drag him to the bar of jus-

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tice. He does it, too, sooner or later. That is, it is called the "bar of justice." During this time the people's counsel makes his grand stand play. He challenges the accused under enormous headlines—"Are you innocent of the crime?" Then produce the culprit, prove his guilt; and this learned and generous gentleman of legal attainments will release you.

Finally, the accused is cast into prison, and kept there. He must rely on his friends and his lawyers. This is all very well presuming he has them, but hard indeed for the poor fellow who has none. In other words, a man is put in a position where he cannot defend himself. Perhaps the offence is a bailable one, let bail be offered; it is im-



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mediately increased. The unfortunate victim cannot get out on bail. The Able Assistant will see to that. In the meantime, any persons who it seems probable are to be witnesses for the defence are subpœnaed and terrorized, if possible, threatened with arrest, insulted, bullied. The yellow newspapers, hungry for sensation, have put the defendant at the mercy of every blackmailer and crank. Their offers of reward invite all men without principle, but with a price, to make fake identifications which will implicate him. Does the prosecution desire any particular person for a witness? Such persons are simply kidnapped and put in the House of Detention.

Time elapses, perhaps years; all is

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now ready for the trial in court. No! I have forgotten to mention that the county of New York will give a lawyer five hundred dollars to defend a penniless man accused of murder. This is American, this is fair play, it is a helping hand to the under dog. Under, because the fearless prosecutor can spend, and has often spent, hundreds of thousands of dollars to obtain a conviction. His limit is the sky, for it costs his pocket nothing, and when the prosecution makes the issue on expert testimony, the odds on conviction will be two hundred and fifty thousand dollars, which the State may perhaps spend, to this five hundred dollars granted to the defendant.

At the trial, everything the law for-



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bids the police to do, is permitted to the District Attorney. In his opening and closing addresses, he exaggerates shamelessly, and tries to prejudice the jury-men with poison distilled from his own imagination. For three months he will be allowed to pour expert testimony into the jury box. And by the way, if a man is guilty, does it take a matter of a quarter of a million and a quarter of a year to show it? At this trial proper—or rather improper—the caricaturist with drawing-board, the jackal reporters—all the cannibals of Park Row, join in the man hunt. Nothing is sacred. Old age, grief, womanhood, innocence are but so much material for the “story.” The official stenographer’s report is a prosaic thing—away



with it. The defendant's appearance, his conduct—will be indeed a problem for the readers of the penny dreadfuls—for while the “Journal” describes his eyes gleaming in their sockets like an infuriated bull's, the “World” chronicles the tears which course down his pitiable countenance, and the “Herald” comments on his indifferent and callous demeanor.

But if the State has not proved me guilty? the prisoner may ask. A fallacy, my friend; in these days you must prove your innocence. Of course the accused is convicted. No man, however innocent, can successfully combat the fourth degree. Everything has worked like a charm; but at last, after two years, perhaps, or more, the case reaches the Court



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of Appeals. Then the master stroke is given, the *finesse* of which is startling even to old criminal lawyers. That the conviction has been obtained illegally is universally admitted. How will the attorney for the people induce the Court of Appeals to sustain it? Of course, the method will be in the nature of an innovation; for the fourth degree is a new thing, and just as certainly will it be something unjust.

Judging others by himself, the Able Assistant will rely on the use of money. Special counsel is obtained to try to have the illegal conviction sustained in the higher courts. A man of national reputation, the leader of his party, and noted for his political influence and his willingness to use it;



who, strangely enough, when high in office appointed some of the judges who are to listen to his argument, may be retained to argue before the Court of Appeals, and beg that it allow the conviction to stand. The honorable special counsel receives a great many thousands of dollars for doing this, and in one case had at last the opportunity of gratifying a little personal grudge of nearly twenty years' standing. As the epitaph of the Western man read, "He did his damndest; angels could do no more."

In one case I have in mind nothing could equal this person's eloquence when arguing in the higher courts *against* a new trial for the defendant, unless it was his effort when, a few weeks later, he insisted in a lower court



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that the defendant *must* be tried again; thus proving that there are two sides to a case—the inside and outside. Consistency is a jewel, a rare one in the Criminal Court Building, County of New York, for after all this fuss and expenditure, the “good lady” who held the office of District Attorney dared not try the case, but left it to his successor. All this is not an imaginary case; it is my own. I know whereof I speak.

Just consider for a moment another case recently tried. Does it not furnish further proof of the fourth degree?

Two men were involved—one was to be killed in earnest, because he had inherited money; the other was nearly killed with kindness to make the former killing possible. The office had no case

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against the first man. But they arrested him; nor against the second man, so they arrested him, also. The Assistant District Attorney who prosecuted them had a private practice while holding public office. The charge against these men was, that they had killed a third man, who really died a natural death—an old man who had money. Now began the offers to each prisoner, separately, to inform on the other. This always happens. The result in this case was nil. Both protested their innocence, but the fearless prosecutor found the weaker-natured of the two during these interviews. It was the second man. To him was offered absolute freedom—and what else?—if he would say the other did the murder. He did so. The exami-



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nation took place. There the other proved the informer's story a lie; he proved a perfect alibi, which could not be shaken. The legal adviser of the people had employed—perjury. That was the one thing proved. Circumstances were now changed; that story would not work. Remember there were millions at stake, and the Able Assistant had a private practice. So quite a different lie was invented and sworn to by the second man. This was also proved to be a perjury, something for which no prosecutor's witness is ever prosecuted. Still the first man, the legatee, was held for trial.

But during the long wait of years in the Tombs for him, how did the second man, the Assistant's tool, fare? I said

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he was killed with kindness. Of course that is not literal; but the Fearless Prosecutor took good care of him; he was supplied with every comfort—no key was ever turned on him.

In return he subscribed to any and all statements which were required to kill number one. At the trial he made still a different confession from the two previous ones; the third one was that he himself had committed the murder at the instigation of the defendant. A self-confessed murderer, a triple perjurer, he is now scot-free, and an innocent man is in the Death-Chamber.

These are the methods of the fourth degree. The Court of Appeals does not approve of them; one District Attorney has been removed from office by the



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Governor; but another, he of the ever-ready biography, has handed them down to his sons as an heritage of fame.

The public has no idea of the enormous number of cases which are reversed by the Court of Appeals. Here is a recent one. A young man was sentenced to imprisonment for twenty-five years by a General Session's judge. But the Appellate Division of the Supreme Court, when reviewing the case, said: "The defendant's guilt has not been proven. It is not even proven by the evidence that *any* crime was committed." This is a fact, and any one who will take the trouble to read the published decisions will find it and many more such instances.

Of the convictions obtained by the

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District Attorney in the Court of General Sessions, a small proportion of the convicted men have money to appeal to the higher courts, and the percentage of new trials granted is high. How much higher would it be if *all* cases were appealed? In other words, think of the poor devils who are in State prison unjustly because of their lack of money.

There is a remedy for this state of affairs. We have a legislature, a bar association, and a legal aid society. Among all these could not some arrangement be made for inspectors, to whom a man unjustly convicted could complain and receive assistance? Is there no relief or redress for the suf-



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ferers from the fourth degree, when even the third degree is forbidden by law?

If the third degree is brutal, the fourth is hellish. Call the third illegal assault, and you must name the fourth murder illegally designed. By means of the fourth a gentleman can be hounded to death by his enemies. In the third degree a criminal has his ears boxed.

CHAPTER XIV

It's Just Like Her (A Chronicle of the Tombs)

THE missionaries I have met! Mind, I am not speaking of the professional ones, those who are officially connected with the Tombs, or with Sing Sing prison; nor the chaplains. Years of experience have taught them their good work; they do it properly and without the aid of trumpets. Nor do I mean the ladies, who out of the goodness of their hearts, come and sing to us on Sundays. I am referring to those kind creatures who have made it their "life work" to come here *occasionally* and bestow tracts and cheering words upon us; the kind that



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carry enormous Bibles, full of colored book marks, pressed against their flat chests, and who punctuate their sentences by rolling their eyes upward. These book marks, I am convinced, are what make them so round-shouldered. They do not come during all the year: with summer they receive calls, doubtless from a celestial source, to “green fields and pastures new”; while the real helpers stay and, with us, bear the heat and burden of the day.

How I have been comforted by the visitations (on *clear* days during the winter, and *how* I have prayed for stormy ones) of these devoted and self-appointed examiners of my beliefs, and by a perusal of the literature they thrust upon me, “The Drunkard’s

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Home ” (this to me, who have never tasted liquor in my life); “ The Path to Hell ” (when I am there already); “ A Life of Sin ” (I have always lived at home with my parents). Still another piece of literature informs me that I may possibly be a Christian, but *not* a *clean* one—if I smoke. Oh, the irony of life ! with all this abundant and excellent supply, I am not allowed, while in the Tombs, to shave myself !

What a spiritual uplift I experienced by the sudden appearance of a female of uncertain age, who demanded : “ Where are you going to spend eternity ? ” and before I could answer, “ Not with *you* if I can help it,” she put her second question. “ Do you pray, brother ? Do you get right down on your knees



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and lift yourself up?" (wouldn't that be a stunt? it is also a mixed metaphor, but what do missionaries care for rhetoric?)

On the first day of my incarceration a good lady (she is also a type of all the others) introduced herself to me in this manner: Transfixing me with an awful glance she said, "Man's nature is *three-fold*: physical, intellectual, spiritual. I am here to minister to your *spiritual* necessities." This she proceeded to do by telling me to "look up, hope on, it is brighter further off"; and that I was in a prison cell—"for a *purpose*."

Hardly had she passed on and left me happy in my solitude when her place was taken by another, and then another, who gave place to still another, all with

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the same tracts and expostulations. Not one of them neglected to tell me, that even St. Paul had been put in prison (for a purpose, doubtless), and that John Bunyan, although in a similar state of durance, had written that great and good book, "Pilgrim's Progress." Had I ever read it? I pleaded guilty, and was sentenced to read it again for my own good. After several hours of this, I also was in the mood to write—I wrote this and to my mother—begging her to come and sit in front of my cell all day, and to bring a broom; but still they came. My mother's presence and the absence of the broom but gave them the opportunity to inflict her also.

Oh, the missionaries! are there no bandits in America? Why, oh why, do they



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insist on questioning me about my soul, and offering to wrestle with my most secret sins, when there is a man in the next cell who needs underclothes? After hearing the missionaries and being promised another call on the morrow, I wonder that the men do not rush to the District Attorney's office and accept "pleas." Sing Sing would seem preferable to another visitation.

I must not forget Sister "Goo-Goo," who is *so* sympathetic. She stands outside, looking into my cell through the barred door; she also looks alluring. She sighs, then whispers, "This may be your door of hope." "Then why is it kept locked?" I beg to inquire.

Sometimes they come on Sundays with last year's religious papers and maga-

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zines; they come and gossip with the keepers; or they bring a friend to whom they show the sights and point out us poor unfortunates. It is pleasant to watch them as they meet and compare dress goods patterns which they produce from their pocket-books; how briefly the hours go by, what brotherly and sisterly love; how they enjoy themselves; how happy *we* are while they do *this*.

Of course we exchange experiences when they have departed; and, good souls, their visits often provoke some humor in the gray days of our existence. During the exercise hour one morning I overheard the "hard" man tell another, "her skirts" (that woman) says she is praying for me, but it won't hurt me none, for I've got an alibi."



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“ See what the old ‘ four-eyed gent ’ just gave me,” said the wooden-legged man. It was a tract on the sin of dancing.

“ He’s all right,” cut in another, “ the old ‘ polar top’s ’ going to see the judge about me and I’ll only get two years.”

“ Oh,” said the lame man, “ that’s what the judge *intends* to give yer *now* ; after ‘ the century plant ’ talks to him for three or four hours, the judge will give you eighty years.”

How the missionaries love each other ! few are on speaking terms ; but must they make *me* their confidant ; do I not suffer sufficiently ? This is what I must listen to, “ That woman over there putting her ‘ stuff ’ through the bars is one of the very worst liars who comes here ;

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you can't believe a word she says. You don't want to have anything to do with her; the less you tell her the better. What do you think, she keeps the money she collects for the poor prisoners."

My visitor goes and his place is taken by the "friend" he has just eulogized. "Did that man say anything about me? Did you ever hear of his doing any good for any one? He ought to be put out."

This good lady is followed by another, her sister in the Lord. The second one does not speak to the first; but she does speak of her and imparts her social and financial status. "Oh, yes, she's very wealthy; she could afford to do *much more* than she does; she lives in a brown-stone house, and keeps three servants;



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but *I* have given everything I possess to the Lord."

Oh, the cant! the cant one hears in the Tombs.

But there is another kind; there are the real workers who bring gladness and help; there *was* the "Tombs Angel," there is "Sister Sunshine," and "Sister ——"; but it is of her I started to tell this story. I heard it from a court officer over in the Criminal Court Building during my examination before the Coroner.

I was in the "box," which means the "pen," that is to say, the "stall" in which you wait till you are called before the judge, and my friend the officer said, referring to a very miserable specimen

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in the opposite "pen," who was in convulsions by reason of his anger :

"He's the worst ever; the worst ever I see; the very worst. Why, what do you think? he cursed the Sister—what? did I? Did I call him down?"

The Sister he referred to is one of the black-robed saints, who for the sake of the lowly Nazarene devote their lives to laboring among the sinners and unfortunates in the city prisons. The object of the keeper's wrath was the toughest man in the Tombs—to have that distinction one must be hard indeed.

The treatment which this particular Sister of whom I speak had received at the hands of the hard citizen was somewhat as follows, according to my informant: First, he had lied to her; then



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he had asked of her an impossibility. Of course she had attempted to do it. Of course she failed; then he insulted her, and what he said I am ashamed to write; but tears were in her eyes when she turned away. But for all that—wait, I am ahead of my story.

It seems that previous to this he had abused his own lawyer until that worthy would do little or nothing for him. "Let him go. No one will help him, anyhow—there's no one who would be a witness for him. He has no friends—there's no evidence that can save him," said his legal adviser.

At the trial, which took place that day, the day it stormed so, some evidence *did* appear which proved him absolutely innocent; never was this expected; it came

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from an old enemy; he had not dreamed this possible.

How did this happen? She (the Sisters hear much that no one else does) had learned of this witness, and in spite of the man himself and her own outraged feelings, had procured his defence and acquittal.

“He didn’t deserve it, but then that is just her way,” said my friend the attendant. “Whose way?” I asked. “Don’t you know? Why, God bless her, I thought every one knew Sister Xavier.”

CHAPTER XV

“Shorty”

HAD I been the Governor of the State of New York, I would have pardoned “Shorty.”

There was universal sorrow in the Death-Chamber when he died, for we knew his story, and every one of us felt that justice might have been satisfied in another way. Each of us had learned to respect this stupid-faced little fellow of five feet one inch; who walked with such heavy feet, and whose stooped shoulders were the result of a long life of excessive hard work, yet Shorty was only twenty-two years old.

On arriving among us, there was

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something very like an animal about him. He could not read or write; he learned to do both while there. Larry, an Italian member of our guild, taught him. At that time, when he was not drawing pictures for "The Murderers' Home Journal," which the editor had to suppress, he was catching flies; he did this almost as well as a monkey—and why not? How the flies loved Shorty! But this was at first. So was his feud with our colored brother, Benjamin, which was renewed daily. Every morning Shorty told Benjamin that his face was black, and urged him to wash it. Benjamin replied; Shorty responded; Benjamin observed, and then the keeper would interfere.

What trivial things bring about mis-



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understandings among friends. A mere nothing at all will start a quarrel in the Death-Chamber. We had cookies for Sunday dinner, "the kind mother used to make," all dotted over with dried currants. She gave them to me when I was a good boy: she gave them to me incessantly. Shorty replaced the currants with dried flies, and sent them in the twilight to Benjamin with his compliments.

Benjamin was in a dark cell, it was a dark day; Benjamin—my pen refuses to write it. I shall never be hungry again as long as I live, when I think of what happened.

"I doan think much of dem currants," said Ben.

Shorty replied, "No-a-currant—heap

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a—" My pen again refuses its task. No; I cannot tolerate the thought, can you? Don't ask me to write that word, and then I need not repeat Benjamin's reply, for Ben's reply was *awful* to hear.

This started the feud, and a little pleasantry of Ben's not long afterwards added kerosene to the flame. Benjamin bided his time. One evening he challenged Shorty to a game of checkers, for a paper of chewing tobacco a side; best two games in three, the winner to take all. Now in the Death-Chamber each of us had made a checker-board, and the squares of each board were numbered alike; so, when an important match is made, we can follow the game as the combatants call off the moves by numbers to each other. It is



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just like a chess match "by cable," and we are almost as far away from each other, although in the same room. The stakes were put up in the keeper's hands. Shorty won the first game, Benjamin the second, Shorty the third, and took the tobacco. Shorty was jubilant; he declared that "Ben knew nothing from the game what he is about."

It became strangely silent in Benjamin's cell. Benjamin was waiting until Shorty should regale himself with the victor's spoils. For worlds Ben would not have lost a word of Shorty's remarks. The noises which proceeded from "little Italy" later were worth waiting for. There were two dead mice hidden away in the interior of that package of tobacco.

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“How does yer like dem kurrents?” asked Ben. “Doan yer be afeared to chaw dem, dey’s perfectly ripe.”

They were.

No more presents were exchanged after that. It is sad when friends lose confidence in each other.

Shorty spoke a language of his own. It was English in sound and accent, but the grouping of the words was according to his own sweet will. For Shorty the rules of syntax had no terrors.

One day he told me his story. “I did was from Italy six year. All the time mostly work the railroad on. So much big, heavy carry ties. That don’t make me any never mind. I get the mon. Ah! that is altogether something—three



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hundred dollar. I will go home. Ah! a prettyful of a girls is there to marry."

Then Shorty told me how he came to New York to take the steamer. Here he met some friend who invited him to the Italian colony across the river in Jersey.

"He did went." Every one said how foolish he was. "Such a nonsense. You don't know what's no good. You talk like a nanny goat." Why not marry the beautiful daughter of the house at which they were calling, "ain't yer"?

The mother slipped away while the father and friends argued with Shorty; they were all so kind and convivial. Yes, their new friend must marry Agnes. The three hundred dollars should set

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them up in housekeeping, the prospective father-in-law, who was in "publics," would obtain a brilliant position for Shorty; only a fool would do anything else. And then the mother brought in the girl, dressed as every mother's heart would prompt for the occasion. Shorty looked into her eyes; at the borrowed plumage; he had, alas, already looked into the cup.

"Ah," said he to me, overcome by the mere remembrance; "Ah, there was something not to believe it."

"Did you like her?" I asked.

"You have good to talk, the same thing is to me," said Shorty, and there was a sob in his voice.

Then he went on to tell how the mother took care of the three hundred dollars;



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how they, Shorty and the girl, signed a paper; this made them man and wife, he explained, and then they celebrated—"Maka th' congratulate."

Then came the tragedy. "It was one o'clock after twelve—I feel awfully worse—I don't know what isn't—I want my wife," explained Shorty.

"You must be drink," said the mother.

"Why don't you say what you are telling about?" cried the father.

"I want de mon!" demanded Shorty.

"Lie business!" screamed the father.

"Throw away! No believe!" said the friends.

Shorty was trembling as he went on with the story.

"That's a fearful, what I see? A

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sharpa wire (stileto). Ah, that is a *different* something!"

Shorty was magnificent now; no words were necessary to tell the story, his face and gestures showed me all that happened. Tearing back his shirt, he showed me a long, jagged scar from shoulder to waist.

"Quicker, quick into hall. Light no more. What you have? It is to fight. Right away quick off. Bigger man throw down on me. They kill. I shoot—just the same like this—*Dio ! Madre de Dio !*—on the floor, the mother! So, little, small hole in face. I do be arrested."

As the French say, figure for yourself what justice poor Shorty received at his trial against these witnesses and



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without his money—a paper man in hell would get a fairer chance. So it came to pass that Shorty arrived in the Death-Chamber at Sing Sing, and deported himself at first as I have described.

But there came a time when Sister Xavier brought him an Italian Bible and catechism, and Larry Priori taught him to read them. Then Shorty was a different creature. He became a man—quiet, considerate, industrious, and we respected him. About this time came a letter and photograph from Italy—from home. They read the letter to Shorty—he could not read writing as yet—they gave him the photograph because it was not a tintype. You may not possess a tintype in the Death-Chamber. A man

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once cut his throat with a picture of his mother; they have been more careful since. The picture had been taken by a rural artist in some little mountain town. Shall I ever forget it? On a gilt chair—no, a throne—sat his mother in peasant dress. I only remember that she had on white stockings and congress gaiters, and that the elastics on the sides of them were worn out. She must have weighed a ton, and evidently was frightened to death. Perhaps the camera *was* an “evil eye.” The father on one side looked a hundred and fifty years old. He must have toiled every moment of it. Oh, the sister on the other side of the mother, how hideous she is! But listen: that the good saints might be pleased to look with pity upon her



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brother at the other end of the earth (the letter said this), his sister walked to and from church every day—barefooted. “It’s about eight miles away,” sobbed Shorty. “Let me see the picture again. It looks different to me now.” Shorty wept; Shorty howled; Shorty prayed to the picture. He covered the back of it with soap, pressed it against the wall, and knelt before it.

Humor and agony are near neighbors in the Death-Chamber. From Italy had come one hundred dollars; all his family possessed. This was to be used in arguing the appeal. It was forwarded to an Italian banker in New York to Shorty’s credit. It was then, and not till then, that Shorty’s brother appeared. All Shorty had to do was to

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sign a paper. The brother had the paper all ready, and the keeper brought a pen. Well, I guess *not* ! Have you forgotten about the three hundred dollars and the other paper Shorty signed? Shorty hadn't. While there was breath in his body he would not sign another paper. It was "lie business." Then the brother explained it all over again, the keepers explained, and the "P. K.," meaning principal keeper, came with an interpreter and explained many times over that it was for a trial, lawyer; trial, lawyer. "Don't you see, Shorty?"

Shorty stood with his short legs apart, hands behind him, pipe in the corner of his mouth, and eyes half closed, listening to all they had to say.



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“Throw away lawyer,” remarked Shorty.

“Yes, yes, Shorty, but he’d use it to get you a new trial.”

“I had trial. See?” urged he of small stature.

“No, no, Shorty; a *new* trial—*new—new* !”

“They give new trial? Yes?” Shorty was delighted.

“I don’t know,” said the P. K.

“I wait,” said Shorty, and dismissed them all.

An Italian lawyer came, engaged in a conversation lasting hours, which sounded like a battle royal between ten thousand enraged parrots; he departed in tears. An Italian priest came, prayed strenuously, and went away. The one

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hundred dollars remained in the bank. Shorty would not sign a paper to save his life. It's bad luck to put your name to a paper, *very* bad luck, indeed.

In the course of time (a very long time) Shorty's case reached the Court of Appeals, and the Court of Appeals decided against Shorty. This made Shorty furious. He explained that he had been convicted again; that he had not been present, an outrage; that no witness had spoken for him; that no one had "said the word." Why didn't they send for him, for the witnesses? Why? a *thousand* whys? No one was ever able to make him understand.

Again the brother came. Shorty was going to the "good heaven," he would not need the one hundred dollars, but



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his "loving brother" could use it in his business; would he sign the paper?

"No! no—no!" said Shorty. Beads of rich perspiration stood out on "loving brother's" forehead. "Loving brother" had spent much money; there was the Italian lawyer, the priest, the carfare, the paper. Loving brother's grief was piteous to see. For the sake of the dear *Dio*, would Shorty sign the paper? No! no—no! Then Shorty might go to the eternal bad place. Loving brother left and came no more.

Benjamin asked Shorty why he did not give the money to his brother.

"No!" said Shorty.

"What *in hell* is yer going to do with it?" asked Benjamin.



“No-a hell,” replied Shorty. “Heaven! Go wash your face.”

Larry's time drew near. Shorty's chum and teacher was to go out through the “little door” and be killed. How Shorty prayed for him! But prayers are not *always* answered in the Death-Chamber. Larry said good-by to us and departed; seven others have bidden me good-by. And now there was no one for Shorty to talk to in his mother tongue.

Shorty's time drew near, the day was fixed. Loving brother wrote to him, there was much news in the letter. The girl over in Jersey, whom Shorty always spoke of as “my wife,” had married another. The couple, her father, and the mutual friends who had brought



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Shorty to call so long ago and Shorty's brother were going to buy a keg and have a picnic on a certain day, the same day that Shorty looked ahead to on his calendar, and— The picnic was to be in honor of that event.

It was just after this letter that Shorty's eyes went way back into his head. Shorty ate little or nothing. Those terrible prison lines began to cut into Shorty's face. Every day they grew deeper, starting at the eyes, carving furrows to each end of the mouth, and extending to the chin. They divided Shorty's face into three ghastly panels. Shorty's skin was turning clay color—and why not? Shorty will soon be—dust. He got thin; you could almost see through Shorty's hands.

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Shorty prayed night and day, crawling up and down his cell on his hands and knees, kissing the floor, licking the feet of the crucifix they had given him. All night long, all night long he did this. We who lay awake and tried to read heard him mumbling as the beads dropped through his fingers; heard the tap, tap, tap of his forehead on the floor, repeated hundreds of times before each of the many pictures of the saints which were stuck up on the walls. In front of each of these pictures were little fly-covered heaps of decaying food—Shorty's votive offering to the good saints. The saints never accepted the offerings, but the flies and roaches did. They came by millions, flying and crawling to devour it; they covered the walls



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of Shorty's cell; they covered Shorty. The saints, in gorgeous crimson and blue robes, with their mitres, crooks, and uplifted fingers regarded Shorty. Their eyes followed him about wherever he knelt. Perhaps they will save Shorty's soul, but they do not drive away the flies.

Shorty's brown knees came through his trousers, the toes of Shorty's slippers turned up like cotton hooks from kneeling, kneeling, all day long, all night long.

The priest noticed these things, heard the account of Shorty's nocturnal devotions, and told him to stop them, for he realized then—what we had known long before—that the strain had been too much for Shorty's intellect—that

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Shorty was insane. But Shorty prayed on, harder than ever. The good Sisters and the priest did all they could to moderate his devotions. During those final weeks we noticed that they besought him to do something; what, it was a mystery to us. Finally the morning came—the *last* morning.

The priest blessed him, and as they opened the cell-door in the early morning for the last time, asked him, “Do you forgive *your enemies* ?” then pleaded “you *must* do it. Say ‘yes,’ for *God’s* sake say yes. You must, or God will not—” The priest was weeping now.

“*No ! no—no !*” screamed Shorty, as they marched him away.

CHAPTER XVI

An Opinion on Expert Opinion (with special regard to the testimony of Experts in Handwriting)

THE law admits opinion evidence by experts under certain conditions. This is doubtless right when such experts qualify as *specialists* who have prepared themselves by recognized methods regarding some department of science, art, or industry; and when their testimony is confined to stating facts and deductions only, omitting all abstract speculations.

The admission of such testimony is, doubtless, necessary. The fields of science, art, and industry are enormous; and in each, one man during one life

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can only hope to acquire thorough knowledge of one small part of his particular enclosure. Hence "specialties" have arisen—the one lifework of one man. Specialties represent a movement of "from the general to the particular." In the field of science, for instance, is the department of surgery; and of all kinds of surgeons is one particular specialist, the dentist. So in art, music is but a little part of all art, and the violinist but a specialist in music. Industry classifies into business and agriculture, each in turn susceptible of innumerable sub-divisions, each a specialty. By this arrangement it is seen that almost every man is to some degree a specialist, or should be one; therefore, when particular information is required it must be



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sought from the specialist. We seek to appropriate his experience, and naturally turn in our inquiry to those who seem best qualified to supply our wants. The true expert should be, then, a very particular specialist. In the field of industry and art we should require that he be experienced and successful. In science, that he possess definite knowledge—exactness.

So far, no complaint whatever can be made against the employment of experts (specialists). It is a necessary thing; it occurs every day in everyday life, and their testimony is very properly allowed in criminal and other court proceedings. But it is undoubtedly wrong when used unjustly; as, for instance, by the State or a very rich man against



an opponent too poor to protect himself—and the testimony of experts in handwriting is often so used. It is especially unjust when an expert on a scientific subject holds no other commission or diploma than one bestowed upon him by—himself—an expert in handwriting has no other.

No one would employ a self-instructed physician, retain a self-taught lawyer, or a chemist who never went to school; in fact, the self-educated are almost excluded from the higher professions.

Consider the formal course of study necessary to become a physician, a minister, or lawyer—schools and all their examinations, the four years in college, and all the examinations pertinent thereto, and then the special post-



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graduate courses at schools of law, medicine, or divinity. We trust and respect these professions, because we know of their preparation; this is their guarantee. They are tested over and over again to see if they can do their work. Only then do they obtain diplomas. We require this very thing from our engineers, firemen, coal miners, and accountants before they are granted a license. But the handwriting expert passes no examinations, and possesses no diploma. He need not even procure a license.

The expert in handwriting may have your life, liberty, and fortune in his hands; but he comes from—where? Who taught him? Who has tested or examined him as to his knowledge and accuracy? Think of it! The right to

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swear away the life, or liberty, or property of another is bestowed upon this class of "experts" by themselves. And the law permits it. Where do this class of "experts" study their "science"? What school has classes or lectures on this subject? What college has a chair for the instruction of experts in questions of disputed writings? Is there a university with a department for their training? What does Harvard, Yale, Princeton, Columbia in America, or Oxford and Cambridge in England, have to say on this subject? All scientific things are recognized by these great colleges and universities. The study of questions arising from disputed handwritings is recognized in none of them; hence this study is not, at least as yet, a science.



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Another reason why this study is not a science, is that it is based on the theory of probabilities; it is mere speculation. For this reason experts in handwriting cannot even agree together on their own specialty. They lack the unity of even a trade. Experts in handwriting have no guild—no society. Why is this? Because this class of professional witnesses can never formulate their conflicting theories; they cannot agree on any one point; they have no common standards, no principles laid down and agreed to, no mutual foundation or basis for their theories to rest upon. Again why? Because they would have to violate them in the very next case into which they might be called. Therefore experts in

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questions of disputed handwriting are not scientists.

In courts of justice no experts should be allowed to plead (*ex-parte*) for the side they espouse. Experts in handwriting are notorious for this; and their methods and deductions are always according to the testimony desired by the side retaining them. Their opinions are tainted by retainers. In many cases where large sums of money are involved in litigation, as, for instance, a disputed "will case," experts in handwriting appear on each side. The question in such cases often narrows down to the simple proposition: "Is the signature of the last will and testament genuine?" It must be either genuine or forged; and yet we find the phenomena



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of prominent experts in handwriting holding diametrically opposite views, and giving reasons under oath in support of their opinions. Now it naturally follows that if one side is right, the other side *must* be wrong, and *vice versa* ; the signature cannot possibly be both genuine and forged. If the testimony of *all* the experts is in accord with *conscience*, some experts are—to be charitable—inaccurate.

The expert in handwriting can seldom be coaxed into a position in which he can be *proved* wrong. Really it is extremely simple. Is the signature of the deceased so exact that no one would dare dispute it? Not he! The expert will declare it a tracing should his retainer dictate; otherwise *not*; but whichever



way he testifies he can never really be *proved* wrong, at least in this world, since the one who could tell has passed away to another. Under the circumstances, no wonder the expert can afford to be very positive.

In criminal cases these experts affect the side of the prosecution. Is a conviction secured? It is the result of his skill, while in case of an acquittal, he protests that justice has been cheated, and the prosecuting attorney never fails to indorse this view. He dearly loves a forgery case. If retained by the prosecutor, that official will protect the expert, and have witnesses to corroborate his opinion; while, should the defence secure his services, the expert's opinion will be corroborated by the defendant



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himself. The only thing which will *prove* the expert in error would be a confession—an unlikely occurrence.

But disputed writings, disguised, and anonymous communications are his joy, and again it is almost impossible to prove him wrong; and again his work is very simple. In these cases the guilty man, whoever he may be, never comes forward to admit his crime, so that the expert can blame whom he pleases or, rather, whom he is paid to blame. It is simplicity itself—similarities are to be pointed out. It is self-evident that all writings must contain similarities, for were there no resemblances the art of writing would be useless. In fact, that one person can read another person's writing, is based on this principle.

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Surely it is just because we all do make the twenty-six letters of our alphabet more or less alike, that we can read each other's writing at all. In such a case the *dissimilarities* (and they are in all writing) will be regarded as attempts at disguise. And, since all writings must consist of similarities or dissimilarities, either or both will be argued as proof against a victim of this kind of evidence. To sum up, their art is to offer a theory favorable to the side retaining them, in such a manner that it may be believed or doubted, but which cannot be disproved.

Another question regarding this class of experts is, do they keep their oath, "to tell the truth, the *whole* truth, and nothing but the truth?" If engaged by the



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prosecution do they disclose the points favorable to the defendant—no matter how apparent? Never. Although under oath to tell all, they are advocates for one side only. They are always positive, they swear to their opinions; but are they accurate? Suppose they should be tested, examined with writings of known and living persons, and knew nothing of the circumstances of the case, and had no District Attorney to warn and protect—suppose some one tried to fool them—a child could do it!

The law limits all opinion evidence. It is not considered as good as testimony to fact; much has been written on the justice of so doing. Judge Woodward in "The North American Review" for October, 1902, has treated the subject



from a legal standpoint. In this article referred to he shows in no uncertain way how the opinions of experts in questions of disputed handwriting are regarded by bench and bar, especially in the higher courts. Moreover, he cites many instances of injustice done by this kind of opinion evidence. Beside this, I believe, there is a justly popular prejudice against this particular kind of expert testimony.

I have tried to show that this opinion evidence—expert testimony in regard to questions of disputed handwritings—is less accurate and has less authority than the opinion of other specialists. If this is true, should it not be limited to a greater extent than all other kinds of expert testimony? And to this end I venture to propose the following: That



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a commission be appointed to thoroughly and exhaustively examine all so-called public and official experts in handwriting. No thorough and conscientious expert would object to being tested as to his qualifications. Licenses should be issued to the successful candidates. (Few "sheepskins" would be needed.) Such a license should be required before the expert can practise in court.

CHAPTER XVII

Prologue to a little Comedy written in the Death- Chamber, and called

ONCE IN A HUNDRED YEARS.

I COME to tell you how the author
sat
And looked upon the picture of his
love.

He spoke to her—you know he could do
that—

And she replied. But this you must
believe,

Although no ears received her charm-
ing words,

Nor keenest eyes saw her sweet lips
pronounce—

It was her heart which spoke to his and
said



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What none but they may know. 'Twas
thus she brought him
Of love and faith and joy and merriment.
The last alone he has set down because
No tongue or pen can tell the other
three.
But they, God bless them, knew it in
their souls,
And so do I—for, would you think it,
I'm that happy man. Is there another
Half so blessed—"Once in a Hundred
Years?"

CHAPTER XVIII

Impressions—The Last Night and the Next

Morning—The Last Night

THERE are unwritten laws and canons for all important occurrences in the Death-Chamber. I do not mean the prison rules; but the way “we” have of doing things. For instance, the new arrival, after he has passed through all formalities at the officials’ hands, and they are many, is initiated by “us” on the first night passed in our society.

This is an ancient and honorable custom, and like all initiations, a secret. These fixed ceremonies occur all through his long and brutal life in the



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Death-Chamber.* Long, for even a short stay in it makes him old; brutal, because his punishment is—death. Is that not enough? And to add thereto years of solitary confinement is to kill him not once, but over and over again. The system is all wrong. Oh, the years in the Death-Chamber! The loneliness, the quiet. Hell must be a quiet place.

When at last it is drawing to a close, when the Governor has refused to interfere, the officials proceed in this manner: On Saturday the “fortunate one” on stepping from his bath is ordered into a new cell—the one next to the

* See the very humane recommendations of the Hon. Cornelius V. Collins, Superintendent of State Prisons, in his report for 1901.

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“little door” leading to the execution chamber. Here he receives everything new: new bedding, new clothes from head to foot, and then his knick-knacks, pipe, tobacco, boxes, books, and the packages of letters from home, ragged and blurred from reading and re-reading; all have been very carefully searched. He receives something else, for this change in itself is his notice that one week from the following Monday he will be moved again. No questions are ever asked; he has seen it all before; but should he ask, the only reply will be, “I don’t know.”

From that moment a certain unwritten etiquette among us is never violated. His own way in everything, as far as we can possibly comprehend it, is our law.



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Does he ask for a song or story, his demand is acquiesced with at once. Will he play checkers? He may choose his opponent, and he will always win. We send him our oranges, the top layer from the box of cigars one has purchased. We do anything, everything we can to please him. Has there been a quarrel between him and another, it is completely forgotten. On his part, he must make the ghastly regulation jokes during the week. These are two in number, one with the keeper about the new suit of clothes: "I suppose *you* will be wearing this week after next." Number two is with the barber: "Don't forget to cut my hair short on top." From now on the "death watch" (two keepers) sits in front of his cage every

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night. During this week occurs the greatest horror we are called upon to bear, *i.e.*, to hear the last farewells of our companion to mother, wife, sister, or child. While listening to their cries we anticipate the agony in store for those *we* love. My heart bleeds when I remember what I have heard in the Death-Chamber. It is unspeakable. I cannot write of it.

Then comes the last night. Everything must be done very exactly now. Our code prescribes for everything; nothing must be omitted, no custom may be violated. The early evening passes as usual. Generally he asks for songs, perhaps he will sing one himself. That is as it may be. But at midnight the last rites among us of the Death-



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Chamber take place. The keeper comes to my cell carrying, perhaps, the little paper box my departing friend has kept his tobacco in so long; one that he made and decorated himself.

“Keep that to remember me by,” I hear from the direction of the little door.

“Thank you,” I reply.

“Good-by. I hope you have luck and get out,” is the next part of the ritual.

I must respond, “Thank you. Good-by, and God bless you.”

This is repeated with each one separately. He gives everything away, books, pipe, all. For six months he has been turning over in his mind just what treasure each of his companions shall receive when the last night comes.

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The responses never vary. They are now as they were ten years ago; they will be the same twenty years from now if that hell on earth is still in existence.

No one speaks to him or to any one else after that. He is reading and rereading each of those letters for the last time and destroying them. We hear him tearing them up one by one. "Swish, swish, swish." Then it is quiet, very quiet in the Death-Chamber. I am not sleepy; the other fellows do not seem to be sleepy. They are reading. I sit up and write this; to-morrow I will write the other half.

The Next Morning

I have often read in the newspapers the supposed meal partaken of by the



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departing guest "furnished from the Warden's table." No newspaper reporter seems able to resist a description of the last breakfast, and no two papers ever publish the same one. Did the wretch gorge himself to the extent indicated, indigestion and not electricity would carry him off, and justice be cheated. No, he is not even stimulated to the extent of a cup of coffee, and for a good reason; a full stomach is not a good conductor. You will read that "the man was indifferent." I tell you he was glad to go. "That he made no trouble." Why should he? "Our horror," how we are affected by our companion's death, is portrayed. As a matter of fact, we envy him. Anything,

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everything is better than existence in the Death-Chamber.

During the night, if you have lain awake, and one has been known to be so foolish, you may have felt a very slight vibration, perhaps it is imagination; perhaps it is the dynamo. If you have slept, and do not hear the death-watch draw down the curtains in front of all the cells when the night outside turns gray, you will surely be awakened by the noise of many feet. It is the priests who have entered. Their ordinary shoes on the flagging of the corridor sound like thunder, thunder moving away. Now it subsides to the murmuring of Latin prayers. As you lie in your cell (the drawn curtains make it resemble a little box) wide-awake, you know that the last confession



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is being made, the last sacrament is being administered. This is another reason why no breakfast is given to the traveller. I saw it all one morning; the curtain was not quite down to the floor. I made myself as flat as possible. I saw the priest bless and kiss him; hold up the cross before his eyes; bid him have faith, and then back out of the cell. "He," who is so soon to be "it," followed. Then I heard the procession march rapidly into the next room. "Bang!" said the hungry little door as it closed.

What happens in there, and how it felt three minutes later, I cannot tell you; but I came very near finding out. Will you believe me that this day is a long one? *You* fellows outside can do much to divert the mind from disagreeable

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thoughts; *we* have breakfast, and sit down to wonder which one of us will be the next to go. Poor Benjamin, you have the advantage of us now; you have found "Nirvana" while we are worrying; you are reposing in your bed—of quicklime.

CHAPTER XIX

Impressions—Dawn in the Death-Chamber

I LISTENED for the shrieking whistle of the milk train. It has come and gone, and the echoes have died away among the hills of Ossining, those beautiful hills, just—outside. The little family of sparrows who live in the skylight of the dead-house—I know each one by name—awake and angrily pipe their protest at the disturbance. Some of them fly down into the stale, tobacco-laden air and hop on the floor looking for crumbs.

I can hear Shorty, at the other end of the corridor, in the last cell of all,

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talking to himself, or to God. Others are mumbling while they doze. Larry shrieked twice during the night. And I? I received a visit yesterday and have lain awake thinking over the incident and of what the future means to me.

I am morbid!

I have made the story of the little dead mouse—it is all imaginary, but it is what I have resolved to do myself if——

All these are signs not to be disregarded; I know something is about to happen; I lie in bed and watch for it. Outside, I know that nature is cool and gray—delightful. I wait; it comes. The fierce yellow light begins to fade from out the electric globes; and finally,



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as it becomes less intense, each little red wire is visible; which fades into pink and disappears. The fearful light, the cruel, torturing, piercing light is gone. And that is how dawn comes to us in the Death-Chamber.

CHAPTER XX

Impressions

While the Jury is Out—The First Jury

IT is said that everything is relative. A fixed period of time, for instance, is either long or short, according to circumstances. There is an exception to this rule. Time is always long while the jury is out. Be this period eight hours or six minutes in duration, either constitutes a life-time. I know, for I have experienced both.

To a man whose brain is analytical, here is a splendid opportunity to administer to his mind some of its own medicine. While the first jury considered my case I noted my impressions in my



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little red diary, for, thought I, this is a road over which few travellers pass; it is really a unique experience, an episode in a life. I will record my impressions. That jury was most considerate; it did not hurry me in the slightest; it was out eight hours. I started to record my impressions while the second jury deliberated; it interrupted me in six minutes—but I have forgiven it.

Here are the thoughts which came to me during the period at the end of my first trial; but before I quote from my note-book—it will be unnecessary to open it, for I shall never forget what is inside—it may be of interest to know the circumstances under which the entries were written.

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My trial for murder is almost over. The evidence against me has all been given—there was none offered in my defence, for technical reasons. The closing arguments by counsels have been made; the judge has charged the jury, and the jury is out. My fate rests upon the knees of the gods. All of which means that I am in a little iron pen, and that twelve men occupy the next room, deliberating whether life or death shall be my portion. I am very tired; for full three months I have been under a physical strain and a mental tension—I have been falsely accused, I am innocent. There are three who know this—myself, the man who did the murder, and God.



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February 10, 1900. The first entry at 3.30 o'clock P.M.

The keepers are watching me curiously. Their trained eyes are like microscopes, through which they study and compare my conduct with that of previous defendants whom they have guarded under similar circumstances. They are calculating how long it will take for me to break down and show nervousness. I think they have a bet on the subject. It is irritating. If I should ask for a drink of water, they would exchange glances. I must not throw away my cigar before it is quite smoked up, neither must I let it go out—for these are bad signs. No laughter on my part, even should something impress me as being amusing—it would

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sound "forced." And, above all, no blowing of the nose, even if I want to. They will suspect a surreptitious use of my handkerchief for another purpose. Any one may guess, and very cleverly, at mental agony expressed through physical distress. But what if there are no visible signs of distress? There shall be none. I wonder how they will interpret my occupation of writing this? If they imagine I am making my will they must think me possessed of much to give away.

I have speculated about my guards and answered their kind inquiries. I am killing time; the afternoon is slipping away quickly. At any rate, the jury cannot stay out much longer. I look at my watch—eight minutes and a half



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have passed. Good God! Only eight minutes and a half!

The second entry at four o'clock.

I am chemist enough to love an experiment. The jury is the unknown substance; the testimony, the reagent; my case is in solution; what will precipitate?

I think of the judge's charge. I can repeat it word for word; it is seared into my brain; but it would have been more cruel had it aroused a false hope. How did it impress the jury? Over and over again, the old question cries out in my mind: "What will the jury do?"

You may be sure I selected pleasant-faced men; men with little fans made of wrinkles at the corners of their eyes;

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men who smiled often; who had pleasant voices.

What a change comes over a talesman when he becomes a juror! He is sworn. He takes his seat in the box; he will hold your life in his hand; you cannot get rid of him. Now you look at him in this new aspect, and there is a leer about his mouth, a cruelty in his eyes you had not seen before. Why did you select him—a man with a jaw like that? It was suicide.

I think of the prosecution's case. They will convict me, of course. I reconsider it from my point of view. No, they cannot! No jury in the world could convict on such theories. But on what will they base an acquittal? There was no defence. I remember the sur-



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prises the district attorney's office has sprung upon me—the unanswered witnesses, the fervent experts swearing to the impassioned hypothetical questions of the prosecutor, and his closing address, scathing, unjust. There is no chance for me—the odds are thousands to one against acquittal.

Even so, whispers Hope, that happens every day. Think of the lotteries—the odds in them are many thousands to one against the winning ticket; but one ticket *must* win. There can be no—That's it! “The reasonable doubt”! But there has been no defence. It is hopeless. Then the presumption of innocence? Ah, they will disagree; I know it, I am sure of juror number —; I shall have another chance; but what



will the jury do? Perhaps they will exonerate me.

The third entry: 5 o'clock.

I have gone over the merits of the case again, coolly, dispassionately. I have counted the points against me on the fingers of my right hand, and checked off the points in my favor on the left. I shall be convicted is my conclusion.

How will they take it at home—my mother, my— Stop that! *Stop that!* You are not to speculate on that subject; there must be no redness about the eyes, no twitching mouth when you face that jury for the last time. Use your brain—think of something else.

I am sick of the case; it can have but one issue. I must drive it from my mind by some other subject. I must



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have a proposition to prove—anything. Why does time pass so slowly? for instance; that will do.

It *is* going slowly. This afternoon is a life-time—but why? That is a very good subject; it is an intensely real one. That this afternoon is “a life-time” is not only figurative—it is literal. Think of it; as long a life-time as you will, is composed of what? Of course I mean mentally—not what happens; that is hardly worth chronicling. What constitutes our interest in life? Surely it is because we cannot tell what the next day—or the next moment, for that matter—may bring forth. We hope, but uncertainty gives that hope its zest. Because we cannot discount the future. the unexpected is life, and life is Doubt.

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Can enough doubt be crowded into a few hours, or even minutes, to constitute a life-time? You will know it possible if you have ever waited—while the jury is out.

This must be the secret of the drama—the mimic life—in which the aroused hopes and fears and sympathies are but other names for doubt. Imagine, then, the suspense, the doubt, of the waiting man in this play with real life or death, and concentrate the emotions of a whole audience into that single brain.

The fourth entry: 6.30 o'clock.

There is a noise in the street below. I look out of the window at the crowd; they are waiting also from curiosity. Newspapers are being sold—newspapers



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full of unjust and imaginary stories about me and mine. The journalists are eager to sell these inventions while interest in my case lasts, hence the newspapers are "extras." While watching this I see the jury go to dinner in an old-fashioned white stage, such as used to carry passengers on Broadway. Perhaps it is the same stage in which I rode with my mother to Manhattanville thirty years ago—I a little fellow in kilt skirts and white stockings. How well I remember it!

The fifth entry: 8 o'clock.

They will allow no one to see me; that is, none of my friends, but curious officials come in on imaginary errands to look me over. The jury returned some time ago; they have now deliberated for

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five hours. Evidently some one is holding out. Having done so for this length of time, it looks like a disagreement; unless some one changes his mind. Why should a juror change his mind? He has sworn to go by the evidence. Do the opinions of his companions change the evidence?

I wish that there was no jury system. Having five judges to preside would be much better. They would go by facts, their ears would not be tickled by mere eloquence; experience would teach them when witnesses were lying. And, best of all, five judges would know the real value of expert testimony; yes, they would know that, for they would hear the official experts expounding one theory to-day, have heard its opposite yes-



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terday, and will hear the repudiation of both to-morrow.

The sixth entry: 8.30 o'clock.

They brought me sandwiches and a cup of coffee. While disposing of them I talked to my friends the keepers, telling them about my experiences in the cattle business so long ago and so far away. They paid me the pretty compliment of saying that I take matters more coolly than any one they had ever seen; that I show no emotion—I knew they were watching for it. Am I confident? No, I am not. Strange to say, I am becoming indifferent. After all, what does it matter so far as I am concerned?

Like the stag making his last stand and being torn by the hounds, better die



than escape wounded to suffer more; better have it over and done with. And as for my home, my family—stop that!

The seventh entry: 9 o'clock.

The refinement of cruelty. I have been taken into the court-room twice; each time with exposed nerves which are scraped and singed by the questions the jury has come in to ask, and the answers which push me nearer to the edge of the precipice. Each time I have gone prepared for the end. It is interesting, but not amusing. I saw my father last at two o'clock, seven hours ago. He has grown seven years older since then. My brother is in court. He is four years my senior; he looks an old man—I wonder how I look. My



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attorneys are very serious as they whisper together.

The eighth entry: 10 o'clock.

Three months I have been on trial; twice a day I have been taken into court—morning and afternoon. The signal which summons me is made by rapping a key on the iron door. This is symbolic—key and door. Which way will the key turn? Will the door open or close for me? I feel that the next summons will answer these questions. They are rapping the key on the door.

The last entry: midnight.

I was right. I found out about the key and the door on the third summons. It is *not* three times and—*out*.

I entered the yellow room. It was packed. Every one turned to look at

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me. It was a picture of a storm at sea; the pale faces were the whitecaps. It foreboded trouble—shipwreck. A little strain of music had run in my head all the afternoon—"The Blessing of the Poniards," from the "Huguenots"—a full orchestra seemed to play it then; I marched to it.

We sat down and waited for the jury. While doing so this thought intruded itself upon me: Had I the gambler's fever; would "wheel" or "bank" ever interest me again after this?

Imagine becoming excited over a hundred dollars placed on the red or black! Of what concern would be a little white ball running around and tumbling into holes; or cards, two at a time, being drawn from a silver box; or, for that



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matter, five pasteboards held in my own hand?

The jury entered; they would not look at me. I knew. The judge entered; we all rose to show our respect—for his gown. He looked pleased; he must have known the verdict as well as I.

“The jury will rise.”

“The prisoner will rise.”

What luck! The chimes from the “New York Life” building, around the corner, struck eleven. Yes, so it proved. “New York Life” was bidding me good-bye. The gentlemen of the jury had agreed upon a verdict. They found the prisoner guilty of murder in the first degree.

There was applause from the *judge's* chambers; a woman's voice cried out,

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“Oh, good! Good—good!” A window opened and I saw a carrier-pigeon flash out and fly away. All this to the accompaniment of a groan which ran around the court-room. One woman—God bless her—fainted; and then I felt my father’s hand in mine.

The game is over, and I have lost. I must be a good loser, for the crowd in the corridors cheered me—cheered a convicted man on his way to the “Bridge of Sighs.”

Then I was under a compound microscope. Convicted men seem to be interesting men; at least, not one of those unwinking eyes would have missed a single tit-bit of my agony had I displayed any. But plain, vulgar pride came to my rescue; for I had seen con-



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victed men carried back to the Tombs, undressed, and put to bed like sick babies; I had heard them howl all night and beg for liquor; some of them had tried to throw themselves downstairs.

But my mother, my—stop that! For God's sake don't think of that; perhaps later, in the dark——

We crossed the "Bridge of Sighs." We stepped into the prison yard, flooded with moonlight. It was like the last act of "Romeo and Juliet" among the tombs. Poor, mad Romeo! I thought of other moonlit scenes; of another Romeo; of love vows never to be renewed—that is, I started to think of them—something I must not do. It was all the fault of the queen of night. I had not bathed in her mysterious light

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for twelve long months. (It was three years before I worshipped her glory again.)

Never in my life have I been so touched; never so near breaking down, as when, on that night, the keepers in the Tombs, where I had lodged so long, expressed to me their sympathy and confidence. I believed in their sincerity then; I have never doubted it since.

Next morning.

I went to my little cell; and, with my best philosophy, undid the chattels I had packed so carefully that morning and addressed to home. I slept. What? Sleep? Certainly. There was no more suspense; I was legally dead. Life had stopped with its forfeiture; relief had come from doubt. I slept. It



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proved my proposition of the afternoon.

THE SECOND JURY. Nov. 11, 1902.

The jury sitting at my second trial has retired, and three years later I find myself under almost precisely similar circumstances to those just described. I will note the variations. The suspense, the doubt, should be worse than at the previous trial, knowing, as I do, what it is to be a convicted man, and what it would mean to go all through it again. I know it, all the way from the ceremony of passing the death sentence to the opening of the little door.

Strangely enough, that same strain of music hums in my brain, repeating itself over and over again. I do not believe I have thought of it once during the last



three years. Yet, here it is, and I shall march to it again.

What will the jury do?

I do not think about my case this time; if acquitted, I shall be pleased for my father's and mother's sake. If convicted, as far as I am personally concerned I am absolutely indifferent. I am like a man who, having fallen from the roof of some sky-scraper, lies mangled in the street below. Suppose an old friend comes along and kicks him? He cannot feel it because his back is broken. I can suffer no more whatever happens; and I have forgotten how to rejoice.

Acquitted, convicted—I am indifferent. Since that night I watched the dawn come to the Death-Chamber, as God lives, I have not cared.

CHAPTER XXI

Impressions—The Friendship of Imagination

I FOUND myself in the Death-Chamber; others were there. Our small community being an American institution, we were all “free and equal,” of course with the exception of the former. Unhappy, indeed, would be the life of any one in that room who did not recognize this equality.

But most of my fellow citizens refused to exist in the present. Making of the Death-Chamber a half-way house, they alternately lived in the past, or died in the future; and they were perfectly logical in doing so; it was quite excusable. Our existence there was certainly not

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life, and it was not nearly as comfortable as death. So they brooded, and the Death-Chamber is a bad place in which to brood. Some of my companions acted very foolishly when those long, hot, humid summer days arrived.

Here, then, was a problem. I must learn to amuse myself, I must cultivate my own acquaintance; I must make friends with my own identity. This was not difficult, for we possessed a mutual friend—a close, personal, dearly intimate friend. One who had been with me in the mines of Mexico and on the alkali plains of Texas. Together we had paced the white decks of yachts in summer; had spent the evenings in my library, and the days in my color factory in the winter. A friend, who, by special



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permission of the warden came to live with me, to share my degradation. Wasn't he a good fellow? I consulted my friend: I have always done so. I am consulting him now, for I am smoking my favorite pipe. The introduction took place, was accepted on both sides, and I formed the acquaintance, and afterwards friendship, of my own Imagination.

My new friend—I hope you will meet him some day, if you have not done so already—taught me to “penetrate the veil,” to look right through and beyond and above all conditions. I cultivated the friendship of Imagination still further, and the whole earth and its fulness became mine. No one could sentence my thoughts to imprisonment, they

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were free. I began to live mentally. It was my birthday.

He counselled me not to waste those years. "What an opportunity!" he said. So for twenty months I devoured books from the prison library. No telephones, or duns, or bores could interrupt me; there were no social duties, no business to interfere. I read, I dreamed, I improvised. Then it was but a step to writing, and I must say Imagination was very nasty about that. He made me review my grammar with diligence. To satisfy him, I had to study rhetoric anew.

He opened my eyes. The Death-Chamber was full of—*life*. There was Romance, Tragedy, of course; and even Comedy looked in through the skylight and set me laughing now and then.



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Material was all around me; stories about the Death-Chamber came into my mind so quickly that I could not write half of them down; they sprang up and choked me, where before had been only barren land. I set down the least horrible, for some—yes, many—could not be printed; and if you have found these grim or out of line, it is because of environment and of their truth.

Then Imagination and I went away to England. We wrote a novel. In it are no prisoners and no crime, but it is full of the sea, brave men, a cruel woman. It is a tale of love.

Imagination is a humorous fellow—he must have his joke. He made me interested in things dramatic; he advised the purchase of everything I could hear

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of on the subject—text-books, essays. I bought two hundred plays, and he and I went to the theatre every evening at eight, and attended matinées on Saturday at two. Just one play each evening, and after the curtain fell we talked it over and criticised—we analyzed those two hundred plays—Imagination and I. We laughed at costume comedies, studied the plays of social life—from Sheridan to Fitch—and delved for motives in the modern problem plays; watched Mansfield, Drew, and Sothorn in all their rôles. Over *Cyrano de Bergerac* and *L'Aiglon* we poured the tribute of a tear to Rostand's genius.

And then (how did he keep from laughing in my face?) Imagination



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egged me on into writing plays—many of them. If he made me think the “act-able,” he well deserved the name.

It was all my own fault: the smoke from my older friend often got up into my eyes and warned me. This old pipe of mine played the cynic and was perfectly frank about my dramas. But I wouldn't listen. I blundered on until I found a “*fidus Achates*” to help and guide me. Together we hope to restrain this strenuous fellow a little.

It's all over now. My pipe, Imagination, and a faithful friend, I have found them all, and I “found *myself*” in the Death-Chamber.

CHAPTER XXII

The Last Story

THIS is the story I can never tell, yet will spend all the rest of my life in telling—but how hopelessly. I cannot even think of it without something coming up into my throat to choke me. It is about my love for the soldier father, and the mother almost divine, who have suffered with and for me.

I can no more express this emotion than the sorrow they have borne for me can be told. Ah, but both are written—written in the deeper lines upon their dear faces, and illustrated in their grayer hairs; while how and why I love them, is imprinted eternally upon my heart.

CHAPTER XXIII—APPENDIX

"The Story of the Ring"

By Vance Thompson

(By the courtesy of the New York "Journal")

IT was bludgeon against rapier which began yesterday; it was the battle-axe against the stiletto; it was Osborne against Molineux; and Molineux won.

Never, I think, was so dramatic a duel fought out in a court-room. There was very little noise. The surface of it was quiet as a pool. The casual observer would have seen merely two men—the one in the witness chair and the other lounging against the lawyers' table—who seemed to be exchanging polite common-places. They were courteous. Now and again they smiled at each other, with po-



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lite amiability. They "mistered" each other. Yet underneath this unrippled surface was a tremendous tragic depth, in which they clutched and struggled, fierce and silent. It was a fight for life. For Molineux it was life and honor—or the throttling shame of the electric chair. For Osborne it was either a vindication of his methods as a prosecuting officer, or it was bitter defeat. He was fighting for his professional life as truly as the haggard prisoner was fighting for the breath of life.

Never again will you see such a battle waged—so tense, so watchful, so merciless.

Molineux, to be sure, came pallid and wasted from the cell where they have shut him up for nearly four years. He had the look of one of those mouldy men who creep up into the sunlight now and then from the cellars of the world. But no sooner had he taken his seat in the witness chair, no sooner had he faced his adversary, than the race showed in him. He threw back his prison-worn head and

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squared his shoulders; he set his jaws until his thin lips made a straight line, like a sabre gash, across his face. He was ready; every nerve and ounce of brain in him was alert. He was ready to do battle for his life. The apathy and sluggishness of the cell-dweller fell away from him. In this supreme moment he was almost the man he had been before they arrested him and put him away.

As for Osborne, he was flushed, savagely earnest. His eyes blazed whether he would or not, and every now and again he smote his great red hands together. The joy of battle was upon him. Such joy the Apache knows when he sights his enemy; such joy must have stirred the gladiator when he rushed into the arena. To be sure this exaltation did not last through the day, but for a few hours it added zest to the duel.

Just such a mob as should have watched this duel gathered in the court-room. Heaven knows where they came from—



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these women with out-of-date clothes and pendent earrings; these perfumed girls with slashing hats and equivocal eyes. They crowded in, guarded by fatted municipal underlings; they filled one-third of the court-room; and all day, like cigarette girls at a bullfight, they chewed sweetmeats and craned and whispered and grinned. Then there were those who had business there—that honest, white old man, General Molineux, unwavering in belief in his “boy,” for one; for another, there was Harry Cornish—gray from head to foot this one. He was dressed in gray; his gloves were gray; his very face was gray, and the eyes in his deep-lined face were the color of ashes. All day he sat watching the prisoner with swift, furtive glances; watching the reporters; watching the audience; always watching, watching.

There was never so observing a man.

What of Molineux? He made an excellent witness. He gave an impression of



utter sincerity. Perhaps this was due to Mr. Black's admirable examination. Perhaps it was due to the fact that he was telling the truth. In any case, he scored heavily. The jurymen nodded approval. Had the case gone to them last night they would have given him—beyond all doubt—the key of the street. Molineux, too, looked content.

The Assistant District Attorney began slowly. Round-shouldered, stooping a bit, in an ill-fitting new coat, with red face and prognathous jaw, he stood for a moment staring at the prisoner. His eyes were burned out as though from lack of sleep. Molineux straightened up in his chair and joined his hands in his lap. Evidently he was summoning all his resolution and all his self-possession. At last he was face to face with the man who for nearly four years had bent every energy of his fierce nature to the task of destroying him; of blackening his home, and branding him with the red mark of mur-



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der. And this he knew would be the fiercest assault of all—the final one. He was on guard.

They crossed swords very ceremoniously at first. Beneath all the politeness there was, on one side, a deadly and savage earnestness; on the other was the wariness of the man whose back is to the wall and who fences for his life. And yet how suave they were! They might have been rehearsing the amiable history of Gaston and Alphonse. It was "Mr. Molineux" and "Mr. Osborne." One almost expected the "My dear Mr. Molineux" and "My dear Mr. Osborne." And so, with a curious, almost artificial smile on his red and heavy face, the great Apache of the District-Attorney's office began. He wanted to know about the divorce case.

"How old were you, Mr. Molineux?" he asked.

"Fifteen, Mr. Osborne," was the answer.

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Mr. Osborne looked painfully shocked; just so a man might look should he be arrested as a burglar while making a midnight call upon a friend.

“Fifteen!” he repeated. “And the husband was a dear personal friend of yours, was he not?”

Molineux acknowledged that he knew the husband. The prosecutor nodded significantly to the jurymen. They, being men of the world, and some of them bull-necked men of the world, did not seem to take it very seriously. Molineux seemed rather ashamed of it. Osborne, however, would not let go. Three times he went over it, as a woman wipes a dish, turning it first on this side and then on that. At last the good gray judge wearied of it.

“He’s already answered all that,” he said quietly.

Osborne flashed up like gunpowder. All the savagery in him showed in an instant. It was as though a bulldog had shown his teeth. He took a step forward



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toward the bench and half snarled, half shouted:

“Your Honor, I can’t cross-examine this witness if you interrupt me like that!”

Mr. Jerome clutched his assistant’s arm and tried to quiet him, but Osborne shook him off. Justice Lambert looked at him and smiled his enigmatic, up-the-State smile.

“I will interrupt you, Mr. Osborne,” he said, “whenever I think it necessary. Now go on.”

Mr. Osborne went back to his place and drank a large glass of water. That soothed him, but for the rest of the session his nerves were out of tune, and then the burden of politeness lay heavy upon him. Then for a little while he questioned the prisoner as to his knowledge of chemistry. Molineux admitted that his attainments were fairly good. He knew of it all a paint maker need know.

So far Osborne had been defeated all along the line. The defendant had

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answered every question unhesitatingly and with engaging frankness. He had parried every thrust, even that deadly lunge of his fifteen-year-old co-respondent.

The Assistant District Attorney seemed to think in lumps. He jumped backward and forward in his cross-examination in a way that would have baffled an ordinary witness.

Never once, however, did he lead Molineux into a quagmire. Osborne sat down, drank a glass of water, and whispered to Jerome. While his adversary sought for a new weapon, Molineux turned and looked through the green-shaded window. For an instant the alert air of self-possession, the look of the ready swordsman, fell away from his face. The old, weary prison look crept over it. It was as though a mask had slipped from some tired dancer's face. He looked haggard, yellow, old. As he turned he saw, just over his head, the cruel Roman symbol



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of vengeance—the faces and the axe; saw, too, the calm women who spin the thread of life, crouching on the shadowy, frescoed wall, a naked skull at their feet. Something seemed to grip his throat. He strangled a moment, then he coughed and spat. With a sudden gesture he drew his hands across his eyes and pulled himself together. Osborne's burnt-out eyes were fixed on him. At that very instant he had himself in hand again. From that moment he never for a second lowered his guard. His attention was persistent as the pull of a magnet. His will was like steel. He shunned every quagmire and escaped every pitfall with marvellous dexterity, and with seeming unconsciousness that he had passed the peril by.

He is an extraordinary man. The brain in him is first rate. His intelligence is high above the average. Withal there seems no insincerity in him. He was fighting for his life, but he talked as calmly as though he had been in a draw-



ing-room. Not only did he answer every question, he went out of his way to volunteer information. He answered questions to which his counsel objected until Mr. Black said: “Oh, well, let him answer—let him tell everything.” And it was this very frankness that at first confused and finally baffled the great Apache of the prosecution. Moreover, his courtesy was charming. When Mr. Osborne floundered in the midst of an intricate sentence the defendant would help him out.

Gradually this told upon the Assistant District Attorney’s nerves. It is difficult to bully a polite, accomplished man, and Mr. Osborne’s successful cross-examinations have always been those in which he banged the witness about the ears with a bludgeon. An hour before the usual time for the adjournment of court he had had enough of it. To his ill-concealed discontent he was told to go on with his cross-examination. He shifted from subject to subject, playing, as it were, round



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the case. Always the little prisoner met him, cool, efficient, ready. At last, upon the insistence of District-Attorney Jerome, an adjournment was granted. Mr. Osborne went away to furbish up new weapons for to-day.

Molineux stood up. He glanced at the jury. They were whispering together. Evidently it had been a good day for the defence. The rapier had mastered the bludgeon. And as he stood there, waiting for the jailmen to take him to his cell and lock him in, his father came up, a smile on his careworn, tragic face, and laid one arm around his neck.

"I am proud of you, my boy," he said; "proud of you."

That was bravely said. It is easy enough to be proud of a son who wins his way in the world and gets honor and fame. It is finer, perhaps, to be proud of the son who carries himself well in the hour of black shame and peril; who can bear himself well even though the next day may



send him to the electric chair. What was he proud of, the old fighting man? Of the good blood, perhaps, that flows the steadier the greater the danger is.

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For fifteen fateful minutes Molineux was on the stand this morning.

Assistant District-Attorney Osborne had spent the greater part of the night preparing for his promised attack. He had assured the court that he would occupy two hours in probing the pallid little man who stands charged with murder. He promised a sensation.

“Osborne has something up his sleeve,” said the lawyers.

The spectators buzzed it among themselves.

“Osborne has something up his sleeve!”

And so he had; but it was only his arm. The expected did not happen. The sensation did not materialize. And yet Molineux could not foretell this when he took his seat in the witness chair and



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clasped his nervous hands upon his knee. He was cold and white and firm; watchful, too, for Osborne faced him with an air of savage concentration.

It was the crisis of the trial. It was the crucial moment. It was the cross-roads, whence one path led to freedom and the other ran darkly away to shame and death. Molineux knew it. Osborne knew it. They eyed each other like men who are to meet in the death struggle. The Assistant District Attorney was evidently nervous. He moistened his lips with ice water and wiped his forehead with a handkerchief. Then he threw one leg across the table in his free and easy way and leaned forward. Having failed by direct questions to tangle the little prisoner in the net, he attacked him indirectly—and not very chivalrously—by dragging in the name of that unhappy woman who is now Molineux's wife. Of course, from the viewpoint of a prosecuting officer, all is fair in law. It is fair to help a witness,

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THE RING"*



fair to throw mud at a woman—even though she is outside the case and aloof—but it is not always wise. In a low voice he began questioning the prisoner.

"Did Barnet pay any attention to your wife?" he asked.

Molineux's face hardened. He brought his jaws together; a glimmer like that of steel leaped into his misty eyes; but that was all. He answered the question quietly enough, but it was evident that the introduction of his wife's name touched him on the raw. All that was chivalrous in him came to the surface. And in spite of the fact that he was rusted in prison for four years, there is still a deal of chivalry in him.

He admitted that Barnet had paid many attentions to Miss Cheeseborough in the days before he and she had become betrothed. It was another indirect way of getting Barnet into the case and of insinuating a motive for murder.

"Did you give your wife an engagement



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ring?" the Assistant District Attorney asked.

"Yes."

"When?"

"I should like to explain that, Mr. Osborne."

"I am not trying to entrap you, Mr. Molineux," said the prosecutor, sweetly, "but suppose you answer my question. Wasn't that ring bought November 18, 1898—one week after Barnet died?"

"There were two rings," said Molineux.

Then he told the story of the ring. It was a strange romance to listen to in the stifling home of crime. It was like a lily blooming in a pesthouse. As Molineux told it his voice softened into wonderful tenderness. He did not look at Osborne. He did not seem to see the jury or the crowded, morbid court-room. He was living again the days of love.

"There were two rings," he repeated. "One was a mizpah ring—like this one," and he drew the ring from his finger.

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THE RING”



“My mother gave this ring to me long ago. I have always worn it. Miss Cheeseborough admired it, and I gave her one like it for a Christmas present. Then, when we became engaged, she said that should be her engagement ring—she would have no other. But when we came to arrange for our wedding she decided that the mizpah ring should be our wedding ring. It was sentiment,” he added; “it was her wish. And so I bought the second ring, of which Mr. Osborne has just spoken.”

All this was said very simply. There was, however, such pathos in the voice, so fine a sincerity in the face, that the effect upon the jury and upon the audience was extraordinary. It was the first time that Molineux had shown his heart—he held it out for the Assistant District Attorney to peck at. And there was a pause. Mr. Osborne fumbled his papers and hesitated. Then he asked a few unimportant questions, which did not mask



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his defeat. Abruptly he sat down. The famous duel had been fought and lost. Molineux had outpointed him at every turn. For a while the Mad Mullah of the District Attorney's office sulked, refusing comfort. In vain Jerome hugged him round the neck and patted his shoulder.

It has lasted fifteen minutes. In that time the case was virtually tried. Osborne's last attack was not his best. The Apache who goes out for a scalp should not loiter by the way to throw stones at a woman. So far from helping his case by bringing in Mrs. Molineux, he hurt it.

Osborne's attack upon the prisoner's wife paved the way for his most telling defeat. It opened the door for Molineux. It permitted him to recount the romance of the ring. It gave him an opportunity to show that there was more in him than a keen and wary brain—that there was a heart. And that went home to the jury. All the world loves love, and a

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THE RING”



juryman is like the rest of us—part of the world.

He gave Molineux his opportunity, for the man who defends a woman is always in the right.

And he used it superbly. There were no heroics. There was only the story of the ring. There was only romance. There was only a hint of true love and an old love story. That was all, but it turned the truculent prosecutor's attack into utter defeat. Osborne knew it. Molineux knew it. The great cross-examiner's promised flaying of Molineux had miscarried. Had Osborne been retained for the defence he could have done no more for the pallid little prisoner. He flung himself into his chair and sat there, gulping ice water, mopping his red face.

The prisoner kept his seat in the witness chair.

Governor Black arose. His hands in his pockets, a smile on his face, he looked at his client.



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"I have no questions to ask," he said cheerfully. "That is all, Mr. Molineux."

The prisoner went back to his accustomed place. The old father got him by the hand. They laughed softly as they gripped hands. The little prisoner was years younger than he was two days ago. His eyes looked human and bright. At last he could see the sunlight shining. He and hope were together again. His lawyers shook his hand again and again. The old General whispered to him, proud and happy. It was as though the case was already won.

And it all happened in fifteen minutes—in ten minutes—in five minutes—while Molineux was telling the story of the ring.

A better witness never took the stand. Unguided, without a single interruption from his counsel, he foiled the great Apache of the prosecution at every turn. If he did not win his case, it is because the case is past winning. He won, at all

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THE RING”



events, the sympathy of the swarming spectators. He impressed, in any case, the wearied jurors.

Again it was rapier first and bludgeon second.

Molineux, Roland Burnham

The room with the little
door.

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